

PLANNING & DEVELOPMENT

500 West Fourth Street

Davenport, Iowa 52801-1106

E-mail: planning@scottcountyiowa.com

Office: (563) 326-8643

Fax: (563) 326-8257



Timothy Huey
Director

To: C. Ray Wierson, County Administrator
From: Timothy Huey, Planning Director
Date: September 9, 2008

Re: A request by Riverstone Group/LeClaire Investment Inc to rezone 325 acres more or less from Agricultural Preservation (A-P) to Agricultural General (A-G) and amend the Future Land Use Map to show a seventy (70) acre portion of this property as appropriate for future industrial land use located East of 20th Avenue, West of 35th Avenue, North and South of New Liberty Road and in Section 27, 28, 33, 34 in Liberty Township.

The Planning Commission unanimously recommended approval of only the portion of the property lying north of Highway 130 included with this application. The Commission's motion also included a recommendation to approve the amendment to the Future Land Use Map to show the 70 acre area indicated as appropriate for future industrial land use. This recommendation is based on the Planning Commission's determination that to rezone the lesser amount recommended, rather than the total amount requested, better met a preponderance of the criteria of the land use policies.

The Planning Commission noted that the primary extraction operation proposed on the entire 325 acres would be allowed with the approval of a Special Use Permit regardless whether the property was A-P or A-G. The Planning Commission indicated that by rezoning the only the area of property lying north of the road would be sufficient to accomplish the applicant's goal of making neighboring property owners aware that quarry operation would be conducted in this entire area. If the applicant wanted to pursue the rezoning of the balance of the property south of the highway at some point in the future that could be decided on by a future boards.

The applicant's representatives and their attorney were present at the Commission meeting to present their request. There were also two neighbors in attendance with some concerns and questions about the extraction operation.

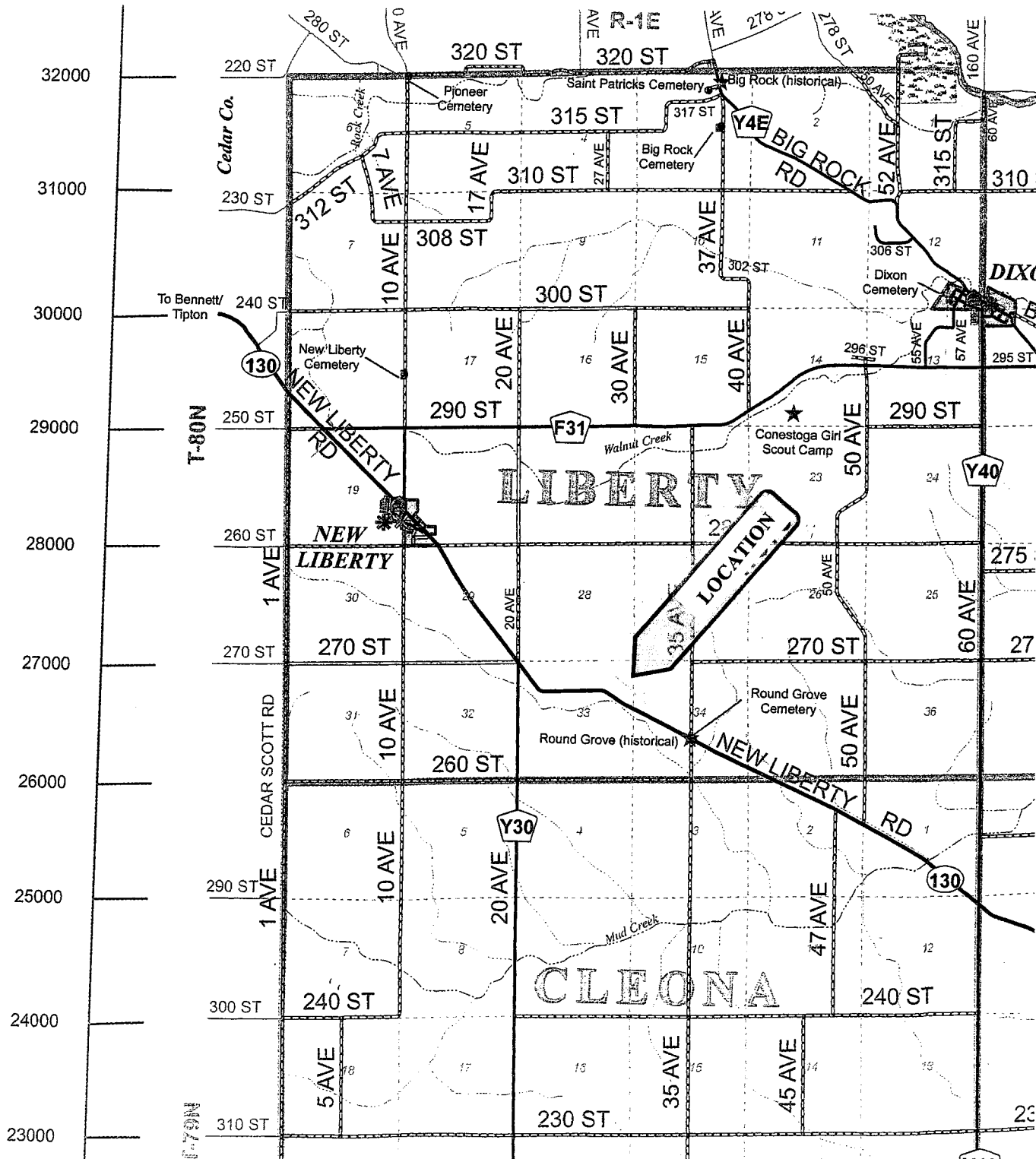
The applicants propose to eventually move the secondary processing operation to the 70 acre portion of the property shown on the attached map. Approval of the amendment to the Future Land Use Map will indicate that those changes will be considered appropriate when they are proposed in the future. This does not rezone the property to Heavy Manufacturing at this time but does indicate it is likely to be favorably considered when it is requested.

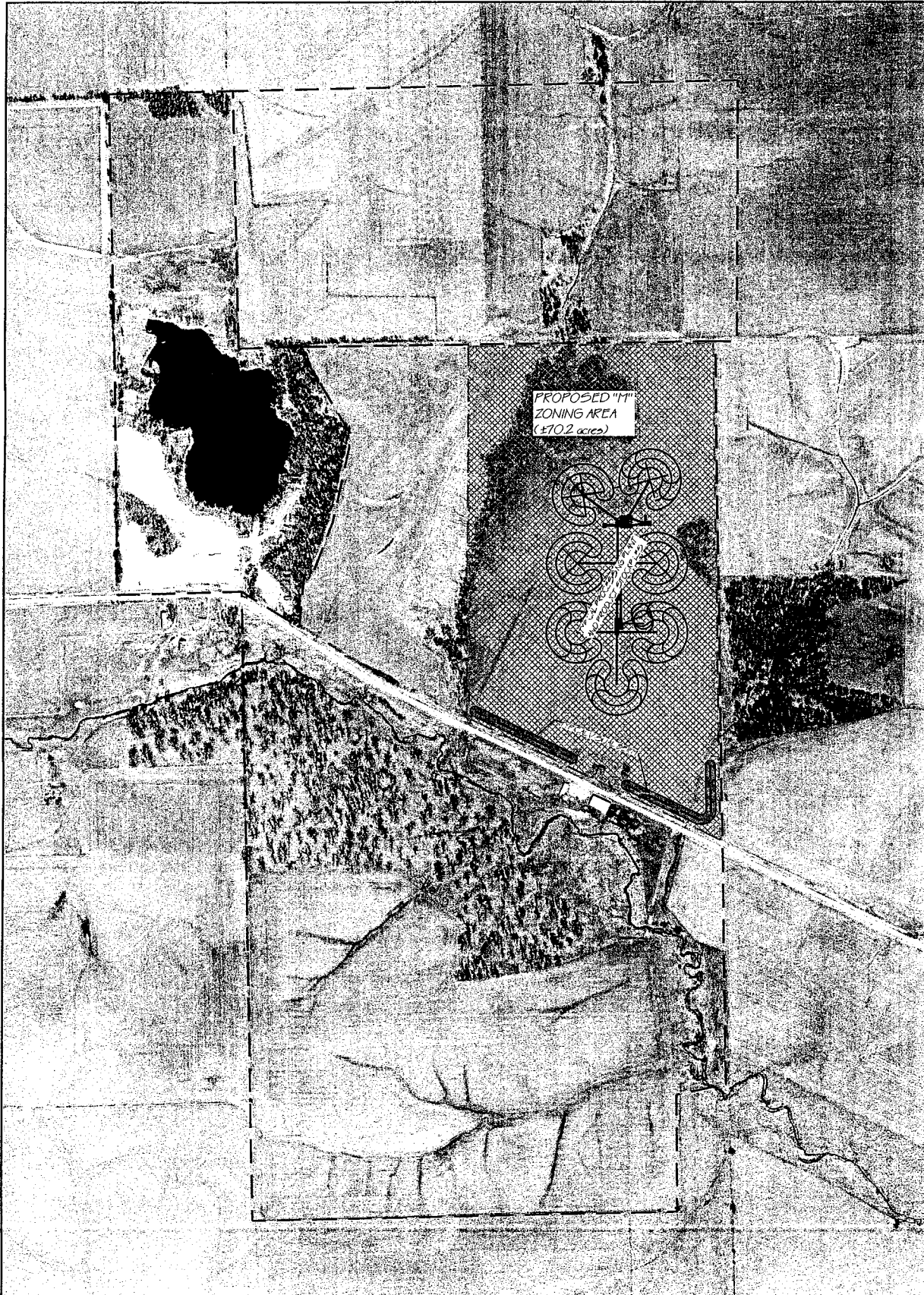
PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone only the portion of the property included in this request lying north of the highway from Agricultural-Preservation (A-P) to Agricultural-General (A-G) based on its better compliance with a preponderance of the criteria of the Revised Land-Use Policies and also recommends approval of amending the Future Land Use Map to show the 70 acre area indicated as appropriate for future industrial land use.

APPLICANT: RIVERSTONE GROUP/LECLAIRE INVESTMENT INC.

REQUEST: Rezone 325 Acres more or less from Agricultural Preservation (A-P)
To Agricultural General (A-G) and amend the Future Land Use
Map to show a seventy (70) acre portion of this property
Appropriate for future industrial land use.

LOCATION: East of 20th avenue, West of 35th Avenue and North and South of
New Liberty Road, in Sections 27, 28, 33 and 34 of Liberty Township





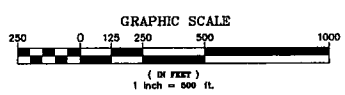
PROPOSED "M"
ZONING AREA
(±702 acres)

<p>RiverStone CENTRAL STONE Company</p> <p>GROUP, INC.</p>	<p>NEW LIBERTY QUARRY PROPERTY 2005/ 2006 ORTHO PHOTO - SCOTT COUNTY CAD/MCA1/MCA1-ZONING MAP-2</p>	<p>RiverStone Group, Inc. MCA1 - New Liberty</p> <p>BY: M. BISHOP DATE: 07-24-2006</p> <p>SHEET 1 OF 1</p>
<p>TOLERANCES - UNLESS NOTED: DIMENSIONS: ± 1/8" ELEVATIONS: ± 0.10'</p> <p>THIS DRAWING IS EXACT AS SHOWN & IN FULL AGREEMENT WITH THE CAD/MCA1/MCA1-ZONING MAP-2. ANY CHANGES TO THIS DRAWING SHALL BE MADE BY AN APPROVED CHANGE ORDER. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION.</p>	<p>DATE</p> <p>BY</p>	<p>DATE</p> <p>BY</p>
<p>INITIAL RELEASE</p>	<p>REVISION</p>	<p>DATE</p> <p>BY</p>

LEGEND

--- APPROX RSG PROPERTY LINES

 PROPOSED "M" ZONING AREA





PLANNING & ZONING COMMISSION
STAFF REPORT
August 19, 2008



- Applicant:** Riverstone Group/LeClaire Investment Inc
- Request:** Rezone 325 acres more or less from Agricultural Preservation (A-P) to Agricultural General (A-G) and amend the Future Land Use Map to show a seventy (70) acre portion of this property appropriate for future industrial land use.
- Legal Description:** The SW¹/₄ of the SW¹/₄ of Section 27; the SE¹/₄ of the SE¹/₄ of Section 28 and the E¹/₂ of the E¹/₂ of Section 33, excepting the South 21 acres; and the West 1,188 feet of the North 4,587 feet of Section 34, excepting the SE four acres, all located in Liberty Township and totaling 325 acres MOL.
- General Location:** East of 20th Avenue, West of 35th Avenue, North and South of New Liberty Road
- Zoning:** Agricultural Preservation (A-P)
- Surrounding Zoning:**
- North:** Agricultural Preservation (A-P)
 - South:** Agricultural Preservation (A-P)
 - East:** Agricultural Preservation (A-P)
 - West:** Agricultural Preservation (A-P) & Heavy Manufacturing (M)

GENERAL COMMENTS: This request is submitted to rezone 325 acres of land from Agricultural-Preservation (A-P) to Agricultural-General (A-G) and also to consider amending the Future Land Use Map to show a 70 acre portion of that property as appropriate for industrial development.

There is an existing 54 acre quarry operated by the applicant on property on the north side of Highway 130 adjacent to the west side of the property included in this rezoning request. The entire existing quarry is zoned Heavy Manufacturing and has operated at this location for several decades. The existing quarry operates with both extraction and primary and secondary processing of the rock material. The applicants have recently purchased the adjacent 325 acres of farmland on both the north and south side of Highway 130 to maintain an inventory of rock resources for decades to come.

STAFF REVIEW: The extraction and primary processing of sand, stone or gravel is a Special Permitted Use in both the A-P and A-G Zoning Districts. The applicant is seeking the rezoning of all the property they recently acquired from A-P to A-G to give the surrounding property owners notice and have it on record their intention to quarry all this property at some point in the future. They have also submitted an application for a Special Use Permit to the Board of Adjustment for the proposed rock and gravel extraction on this entire property.



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The secondary processing of the rock material will continue on the 54 acre parcel that is currently zoned Heavy Manufacturing. However the applicants intend to eventually move the secondary processing operation further to the east on the portion of the property that they have requested a change in the Future Land Use Map be shown. This location will allow better and safer access to the adjacent highway. The existing quarry entrance is located on both a hill and a curve which limits sight distances for vehicles entering and leaving the quarry.

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 Future Land Use Map does not show any anticipated land use changes in this area but this application also includes a request to amend the Future Land Use Map to show 70 acres of this property as appropriate for industrial development. However, because the proposed use of the majority of this property is allowed as a special use in the existing A-P zoning district staff believes this would mitigate the need for the areas to be rezoned and remain A-G be shown on the Future Land Use Map.

Is the development on marginal or poor agricultural land?

The land use policies rank any soil with a CSR of 60 or greater as productive agricultural soil. The Natural Resources Conservation Service has not, as of yet, responded to the notification of this rezoning request. Review of the Soil Survey of Scott County would indicate that about half of this property has soils identified as Downs silt loam with 2% to 9% slopes. The CSR of these soils range between 73 to 90. The rest of the property has Downs silt loam soils with slopes between 9% to 18% and CSRs of 60 to 45 or soils of Gara clay loam with slopes of 9% to 15%. The CSR of the Gara soils range from 30 down to 13. It would appear that this request would not meet this criterion to a great degree.

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

The property has access to Iowa Highway 130 a paved two lane State Highway that is maintained by the Iowa DOT. As stated above, the current quarry access is located in a less than ideal location with limited sight distances. This proposal includes moving the quarry access to a more suitable and safer location. It would appear that this application meets this criterion.

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

Any wells or water resources on this property would be regulated by the Iowa DNR and be required to meet State requirements. The quarry would not require any sewer services other than a septic system for bathroom facilities developed with any office facilities on site. It would appear that this application meets this criterion.



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

The appropriate location for quarry operation would be separated from urban areas and existing residential and commercial land uses. There are no residential subdivisions in the vicinity, few farm houses and the City of New Liberty is a mile and half away. It would appear that this request meets the intent of this criterion for the proposed use as a quarry.

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

The agricultural activities conducted on the land adjacent to this property should not be affected by this quarry operation. The area included in the rezoning will continue to be tilled until such time as it is quarried. It would appear that this application meets this criterion.

Does the area have stable environmental resources?

The area included in this rezoning is gently rolling with some areas of steep slopes. There are portions of the property that are wooded with a small stream that flows on the south side of the highway. There is also a tributary that drains the property on the north side of the property and flows under the highway. The future extraction operations to be conducted on this property will be required to comply with the conditions of the Special Use Permit and State DNR regulations.

Is the proposed development sufficiently buffered from other less intensive land uses?
The requirement for any buffering will be reviewed and addressed with the Special Use Permit application.

Is there a recognized need for such development?

The Scott County Comprehensive Plan states that an economic development objective of the plan is to promote a diverse regional economy. Approval of this rezoning would further that objective.

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 Agricultural-Preservation (A-P) to Agricultural-General (A-G) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

and

Staff also recommends that the request to amend the Future Land Use Map to show the proposed 70 acre area as an appropriate area for industrial development be approved.

Submitted by:

Timothy Huey, Director, August 14, 2008