

PLANNING & DEVELOPMENT

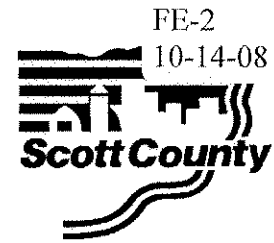
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Timothy Huey
Director

To: C. Ray Wierson, County Administrator

From: Timothy Huey, Planning Director

Date: October 8, 2008

Re: Recommendation of Planning and Zoning Commission to approve rezoning 150 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 rezoning from A-P to A-G the 150 acre 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 and the Board of Supervisors both held public hearings, as required, considering these changes to both the Scott County Zoning Map and the Future Land Use Map. Because a zoning map change is approved by ordinance amendment procedures; it requires approval of two readings of an ordinance following the public hearing. The Future Land Use Map is adopted by resolution and therefore requires only a single action by the Board in order to approve. Therefore staff deferred action on the Future Land Use Map amendment until the final reading of the zoning map ordinance amendment was considered.

The Planning Commission recommended approval of both these changes at its August 19, 2008 meeting.

SCOTT COUNTY ORDINANCE NO. 08-_____

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 180 ACRES MORE OR LESS IN SECTIONS 27, 28, 33 AND 34, TOWNSHIP 80 NORTH, RANGE 1 EAST OF THE 5TH PRINCIPAL MERIDIAN (LIBERTY TOWNSHIP) FROM ""AGRICULTURAL PRESERVATION""(A-P) TO""AGRICULTURAL GENERAL""(A-G) ALL WITHIN UNINCORPORATED SCOTT COUNTY

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY

IOWA:

Section 1. In accordance with Section 6-31 Scott County Code, the following described units of real estate are hereby rezoned from an "Agricultural Preservation" Zoning District to an "Agricultural General" Zoning District and amend the Future Land Use Map to show a seventy (70) acre portion of this property is appropriate for a future "Heavy Manufacturing" Zoning District.

Part of the Southeast Quarter of the Southeast Quarter of Section 28 and the Southwest Quarter of the Southwest Quarter of Section 27 in Township 80 North Range 1 East of the 5th P.M. (Liberty Township) containing 80 acres more or less:

Also part of the East Half of the East Half of Section 33 Township 80 North, Range 1 East of the 5th PM, excepting therefrom the South 21 acres thereof; Also except that part thereof conveyed by Warranty Deed dated March 12, 1965 and recorded in Book 285 deeds, at page 348, and recorded in the office of the Recorder of Scott County, Iowa, more particularly described as follows: A tract of land situated in the NE ¼ of Section 33, Township 890 North, Range 3 East of the 5th P.M., being more particularly described as follows: Commencing at the NW corner of the NE ¼ of the NE ¼ of said Section 33; thence East 315.2 feet along the North line of the NE ¼ of the NE ¼ of Section 33 to a point; thence South 30 degrees 16 minutes East 549.2 feet to a point; thence South 13 degrees 26 minutes west 473.3 feet to a point; thence South 22 degrees 02 minutes West 298.2 feet to a point; thence North 75 degrees 48 minutes West 41.6 feet to a point; thence South 6 degrees 16 minutes West 282.1 feet to a point on the Northerly right of way of Highway No. 150; thence North 57 degrees 07 minutes West 360 feet along the Northerly right of way line of Highway No. 150 to a point on the West line of the NE ¼ of the NE ¼ of Section 33; thence North degrees 10 minutes East 1285.8 feet along said West line of the NE ¼ of the NE ¼ of Section 33 to the point of beginning, containing 14.28 acres more or less and;

Also that part of the West Half of Section 34 in Township 80 North, Range 1 East of the 5th P.M. described as beginning at the Northwest corner of said Section 34, thence running East along the Section line, 72 rods; thence South 238 rods; thence West 16 rods; thence South 40 rods; thence West 56 rods to Section line; thence North along Section line 278 rods to the point of beginning.

Except all that part of real estate described above lying Southerly of the Northerly right of way line of Iowa Highway 130 formerly Iowa Highway 150, in Scott County Iowa, containing 100 acres more or less. Total area included in rezoning 180 acres more or less.

Section 2. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 3. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 4. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this day of , 2008

Jim Hancock, Chairman
Scott County Board of Supervisors

Wes Rostenbach, Acting County Auditor