

PLANNING & DEVELOPMENT

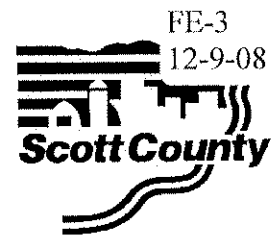
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Timothy Huey
Director

To: Dee Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: December 2, 2008

Re: A request by Samuel Vuckovic to rezone a 4.75 acre, more or less, parcel from A-G to R-1 in part of the SE¼ NE¼ in Section 10 of Buffalo Township located west of 100th Ave. and south of Chapel Hill Road (130th Street).

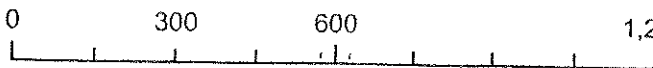
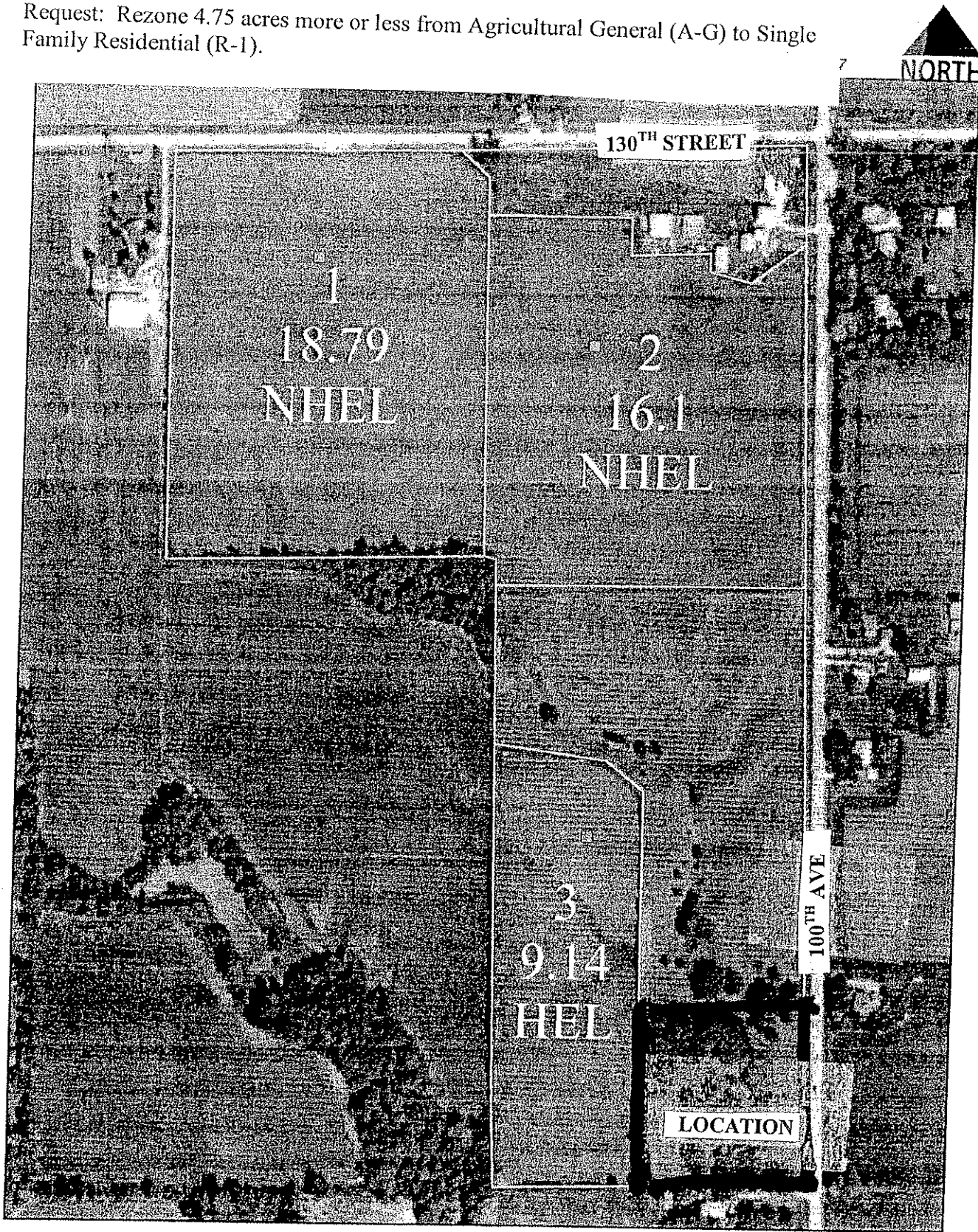
The Planning Commission unanimously recommended approval of the rezoning in accordance with staff's recommendation based on their determination that the request met a preponderance of the criteria of the land use policies. The parcel was determined to have poor to marginal soils, it had access and frontage on a hardsurfaced county maintained road, and it was adjacent to other property that was zoned R-1. Additionally the property is not zoned A-P, designated for preservation for ag uses but rather is currently zoned A-G, the designated holding zone until appropriate development is proposed.

The applicant was at the public hearing and stated if the rezoning was approved that it was his intention to split it off as one parcel and sell it to his buyer who intended to build one residence on the property. The Planning Commission reviewed a proposed site plan of the property showing the house and accessory building locations. There was one adjacent property owner present that had some questions about the impact of this rezoning on his ability to have farm animals on his property. The Planning Commission said that livestock and farm animals were permitted in any of the County zoning districts.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone 4.75 acres (more or less) from Agricultural-General (A-G) to Single-Family Residential (R-1) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Applicant: Samuel Vuckovic

Request: Rezone 4.75 acres more or less from Agricultural General (A-G) to Single Family Residential (R-1).



1 inch equals 356.015767 feet

Legend

1,200 Feet: Field Boundary

Wetland Determination

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provis

Prepared by SCOTT CO. FSA

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (ODA 600) for more information.



PLANNING & ZONING COMMISSION

STAFF REPORT

November 18, 2008



Applicant: Samuel Vuckovic

Request: Rezone a 4.75 acre parcel more or less from Agricultural General (A-G) to Single Family Residential (R-1).

Legal Description: The East 460 feet of the South 450 feet in the SE¼NE¼ of Section 10, Buffalo Township

General Location: West of 100th Ave. and South of Chapel Hill Road (130th Street)

Zoning: Agricultural General (A-G)

Proposed Zoning: Single Family Residential (R-1)

Surrounding Zoning:

- North:** Agricultural General (A-G)
- South:** Single Family Residential (R-1)
- East:** Single Family Residential (R-1)
- West:** Agricultural General (A-G)

GENERAL COMMENTS: This request is to approve the rezoning of a 4.75 acre tract in Buffalo Township on the west side of 100th Avenue located just north of Leaf Lake Estates and ½ mile south of Chapel Hill Road. The property is currently the untilled portion of a seventy acre farm tract that is all zoned Ag General. The farmstead of the property is located at the corner of Chapel Hill Road and 100th Avenue and has never been split from the property and is included in the existing seventy acre tract.

STAFF REVIEW: Staff has reviewed this request for compliance with the criteria of the Scott County Zoning Ordinance and the Revised Scott County Land Use Policies for rezoning applications. The Zoning Ordinance states that it is the intent of the Agricultural-General District to act as a holding zone until compatible urban development is approved through a rezoning or special use permit. The Scott County Land Use Policies states that proposed changes in land use and zoning should comply with a preponderance of the applicable land use policies.

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 indicates that the property adjacent to 100th Avenue, south of Chapel Hill Road and north of the half section line, that is currently zoned Ag General is not appropriate areas for residential development. At the time the Future Land Use Map was originally adopted 100th Avenue was an unimproved gravel road, it has subsequently been hard surfaced from US Highway 61 south to its intersection with 95th Avenue..



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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 Soil 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 approximately 2/3's of the property has soils identified as Fayette silt loam with slopes between 25% and 40%. The CSR of that soil is 20 and is classified as VIIe for land capability, which indicates very severe limitations and unsuitable for cultivation. This soil would definitely not be considered prime farmland. The other 1/3 of the property has Killduff silty clay loam with slopes between 9% and 14%. The CSR of this soil is 63 and it is classified IIIe for land capability, which indicates severe limitations and subject to erosion. Due to these conditions, this property would not be considered prime agricultural land.

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

The area to be rezoned has approximately 450 feet of frontage on 100th Avenue which is a hardsurfaced, County maintained road. As stated above, 100th Avenue was a gravel road at the time the original Future Land Use Map was adopted in 1998.

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

The property is not currently served by either public sewer or water service, therefore any development would have to comply with County Subdivision regulations and State Health regulations for private wells and wastewater treatment facilities.

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

The property is approximately two mile north of the Buffalo city limits and about four miles from Blue Grass city limits. It is just north of Leaf Lake subdivision and within ½ mile of Hickory Hills, Buffalo Heights and Devils Creek Estates subdivisions. It is within three miles of the I-280/U.S. Hwy 61 interchange and the Davenport city limits. Due to its proximity to these existing cities, rural subdivisions and the existing County road system, it would appear that this development would not contribute to urban sprawl.

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

The land located immediately to the north and east of this property is tilled. However residential subdivisions containing over 100 homes are located to the south of this property and existing residences line 100th Avenue north of this property. It would appear that this subdivision would not significantly impact any existing agricultural activities to any greater degree than the existing development in the area.

Does the area have stable environmental resources?

One of the three major issues of the Scott County Land Use Policies is the protection of critical resource areas by preventing the degradation of environmentally sensitive natural resources, including floodplains, heavily forested areas, steep slopes and other areas. The



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policies also state that subdivisions that include environmentally sensitive areas may be required to set aside the land for protection purposes. The applicant proposes to sell this tract to an individual that will build one house on the property.

A substantial portion of the property included in this request is characterized by very steep slopes and erodible soils. The applicant has indicated that the proposed residence will be built with a sensitivity to prevent soil erosion, control stormwater runoff, and preserve much of the natural characteristics of the land.

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

The adjacent land uses are either residential or agricultural. Therefore this policy would appear not to apply to this request because the adjacent land uses would not be considered less intense.

Is there a recognized need for such development?

The adopted land use policies do recognize that there is a need for providing opportunities for a variety of housing types in Scott County.

Staff has notified 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 & Zoning Commission. Staff has not, as of yet, received any calls or comments from neighboring property owners regarding this rezoning request.

RECOMMENDATION: Staff recommends that the rezoning 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 Land-Use Policies adopted in the 2008 Scott County Comprehensive Plan.

Submitted by:
Timothy Huey, Director
November 14, 2008