

PLANNING & DEVELOPMENT

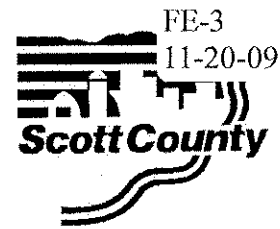
500 West Fourth Street

Davenport, Iowa 52801-1106

E-mail: planning@scottcountyiowa.com

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Timothy Huey
Director

To: Dee F Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: November 3, 2009

Re: A request by Carol Klemme to rezone 8.6 acres (more or less) from Ag-General (A-G) to Single-Family Residential (R-1) legally described as the East 625 feet of the West 1050 feet of the South 600 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 27, Butler Township and located north of 270th Street, east of Utica Ridge Road/210th Avenue.

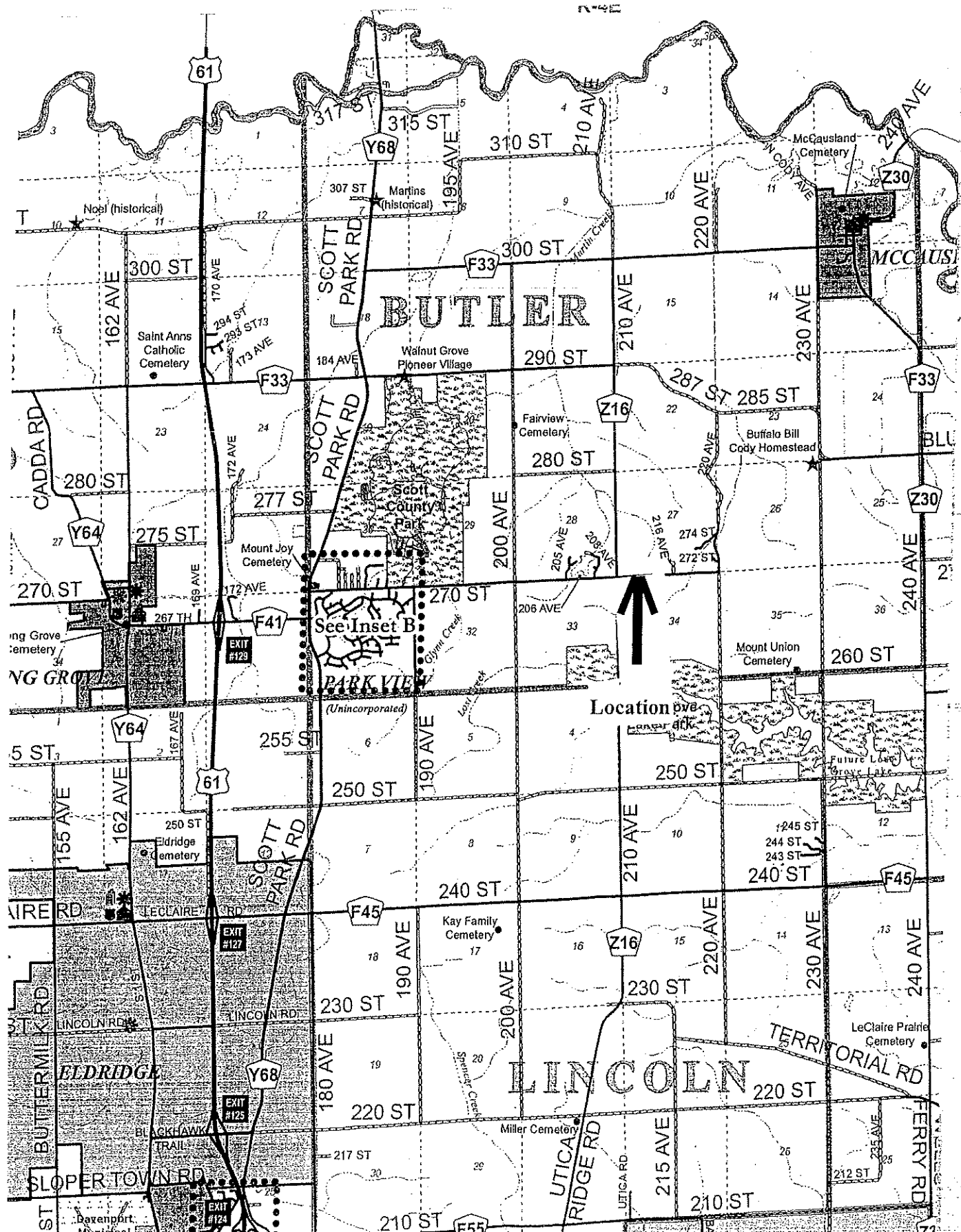
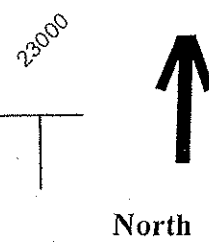
This application was originally submitted to the Planning Commission to rezone 80 acres of land owned by the applicant and her sister. The applicant stated that the purpose of the rezoning was to allow two lots to be subdivided off the farm for her daughter and son each to build new homes. There were a number of adjacent property owners at the Planning Commission meeting that expressed concern with the request to rezone the entire 80 acres when the immediate stated purpose was to allow two new residences. The Planning Commission stated that to rezone 80 acres with no immediate plans to develop the entire property was perhaps premature. The applicant agreed to reduce the request to accommodate the area where the two houses were intended to be built.

The Planning Commission unanimously recommended approval of the rezoning of the designated 8.6 acre area of the property based on their determination that the request met a preponderance of the criteria of the land use policies. The Planning Commission included the condition that the area to be rezoned be limited to the development of two residential lots.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone 8.6 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 and with the condition that the area included in the rezoning be subdivided to create no more than two development lots.

Applicant: Carol Klemme

Request: Rezone 8.6 acres (more or less) from
Agricultural General (A-G) to
Single Family Residential (R-1)

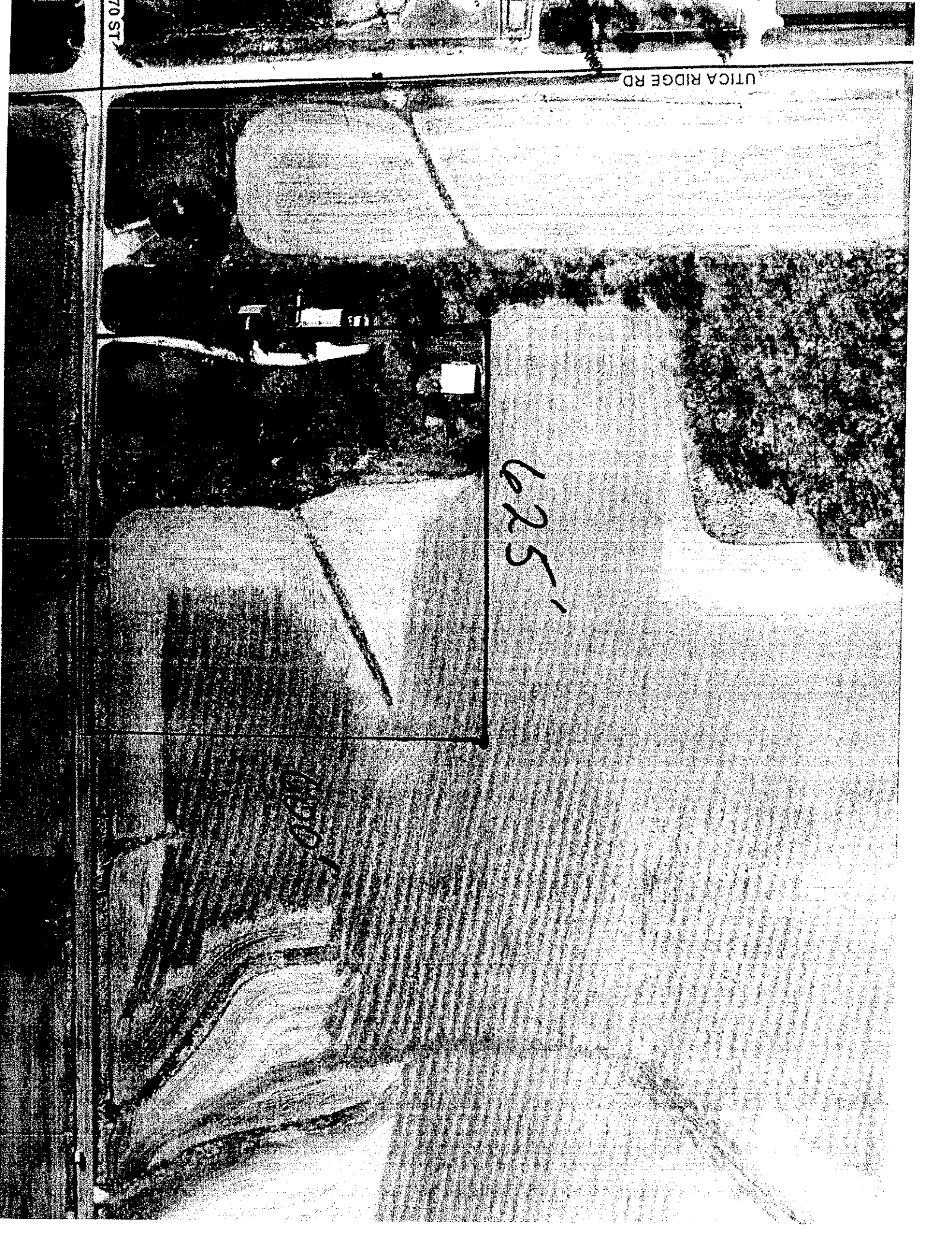


UTICA RIDGE RD

70 ST

625'

1000'



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Timothy Huey
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: October 14, 2009

Re: Application of Carol Klemme and Lawrence & Connie Youngers to rezone 80 acres more or less from Agricultural General (A-G) to Single Family Residential (R-1) located in part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the westerly 298 feet in part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ all in Section 27, Butler Township.

The above application was tabled at the last Planning Commission meeting to allow the applicants to consider an amended application that would only rezone enough area to allow the creation of two development lots. The applicant has determined that an area 625 feet, east to west and 600 feet north to south, just to the east of the original farm house would be sufficient to allow the future platting of two lots for new houses. The applicant has also agreed that a condition should be placed on the rezoning that it only allow the creation of these two proposed lots within this 8.6 acre area.

Attached is an aerial showing the reduced area proposed to be included in this rezoning.

Following review of the amended application the Board of Supervisors have been invited to the Planning Commission meeting for its annual visit.



PLANNING & ZONING COMMISSION

STAFF REPORT

October 6, 2009



Applicant: Carol Klemme and Lawrence & Connie Youngers

Request: Rezoning of 80 acres more or less from Agricultural General (A-G) to Single Family Residential (R-1)

Legal Description: Part of the SE ¼ SW ¼; part of the SW ¼ SW ¼ and the westerly 298 feet in part of the SW ¼ SW ¼ all in Section 27, Butler Township

General Location: North of 270th Street, east of Utica Ridge Road (210th Avenue)

Zoning: Agricultural General (A-G)

Surrounding Zoning:

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

GENERAL COMMENTS: This request is to rezone a 80 acre parcel from Agricultural-General (A-G) to Single Family Residential (R-1). The property has ¼ mile of frontage on 210th Ave/Utica Ridge Road and ½ mile frontage on 270th Street, both paved County maintained roads. There are two houses located on the property, one on the west ten acre tract and the other on the seventy acre balance that was the original farm house on the farm. There are residential subdivisions adjacent to the west and east side of this property that are zoned R-1. The adjacent property to the north and south is agricultural property and are zoned A-P.

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 review of 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 state 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 this 80 acre area on the north side of 270th Street that is currently zoned Ag General that lies between two existing residential subdivision is an appropriate area for residential development. The area was also



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October 6, 2009



designated as appropriate to develop over the next five to fifteen years. Therefore, it would appear this request does meet this criterion.

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 responded to the notification of this rezoning request and indicated that the CSR of the soils on this site average 61. Review of the Soil Survey of Scott County indicated that this property has soils identified as Downs silt loam and Downs silty clay loam with slopes ranging from of 2% to 14% and Corn Suitability Ratings ranging from a high of 90 down to 60. These soils are classified IIIe to IVe for land capability, which indicate they have severe to very severe limitations requiring limited to special soil conservation practices when tilled. It would appear that most of this property would be considered prime agricultural land. Therefore, it would appear this request does not meet this criterion.

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

This property has frontage on Utica Ridge Road and 270th Street, both paved, County maintained roads. Any proposed subdivision of the property would have to meet the requirements of the Subdivision Regulations. Those regulations encourage access to lots to be provided from an interior street rather than directly on to the County road. The County Engineer did not express concerns relating to access to this property off the County road. The Secondary Roads Department must review and approve any future driveway or road access to this property.

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 State health regulations for private wells and on-site wastewater disposal. The Health Department has reviewed this proposed rezoning request and did not have any concerns regarding well and septic systems on this property.

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

The property is adjacent to a number of existing rural subdivision in Butler Township. It is located 2 miles east of Park View and seven miles north of the City limits of Davenport and I-80. Due to its relatively remote location it would appear that this development would contribute to urban sprawl to a similar extent as the existing adjacent subdivisions.

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

The majority of the property included in this rezoning request is currently tilled; along with the adjacent property to the north and south. However, the adjacent property to the east and west is developed with single-family residences. It would appear that the



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October 6, 2009



additional residences that would be permitted with the approval of this rezoning would not create any significant additional disruption to the agricultural activities in this area.

Does the area have stable environmental resources?

The topography of this property is relatively rolling. There are some existing drainage swales that cross the property north to south. At this point the applicant has indicated that they only propose to build two or three houses on the property for family members and have the balance of the property remain under ag production. Due to the topography and erosive nature of the soils any grading or development of the property must be handled carefully.

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

The additional residential lots that could be developed if this rezoning is approved would not appear to require buffering, especially with the number of existing residences in the area.

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.

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 the Revised Land-Use Policies.

Submitted by:
Timothy Huey, Director
October 1, 2009

PLANNING & DEVELOPMENT

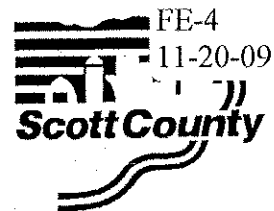
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Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: November 3, 2009

Re: Public hearing on the requests for transfer of County tax deed properties to certain non-profit community based agencies.

County policy on the disposal of tax deed properties states that prior to offering such properties at public auction the county may transfer such properties to the city, school district or a community based non-profit agency following a public hearing to take comments on the requests.

The Humility of Mary Shelter and Habitat for Humanity have submitted requests to acquire certain County Tax Deed properties all located within the City of Davenport. The required time for the prior owners of the property to redeem the property by paying the back taxes due has expired. County policy on the disposal of tax deed properties states that prior to offering such properties for sale at a public auction the County shall offer them to the city and school district in which they are located or any community based non profit agency if they can show how those properties will benefit a community program or serve a public good. The property then may be transferred to the city, school district or non profit agency if the Board of Supervisors determines such transfers are in the best interest of County residents.

Copies of the letters received from these community based non-profit agencies and the plats of the properties are attached.

A public hearing notice has been advertised on these requests for November 12, 2009.



Humility of Mary Shelter, Inc.

...because our community cares

October 20, 2009

Tim Huey
Scott County Board of Supervisors
416 W 4th Street
Davenport, Iowa

Dear Mr. Huey,

I am writing in response to your email informing us of four tax deed parcels that are available to the City and School District and community based not-for-profits.

Humility of Mary Shelter, Inc. is a 501©3 organization located in Davenport and providing shelter and services to single men and women. We are interested in two parcels, #G0050-51 and #G0050-53. The land would be used for overflow parking for shelter staff and guests.

I have contacted Matthew Flynn, AICP, Senior Manager of the City Planning Division and he reports it is possible to obtain a Special use permit to park on these two lots. He also suggests options that include a vacation of part of the right-of-way or a hardship variance to reduce some of the setbacks.

Thank you for your consideration of our request.

Sincerely,

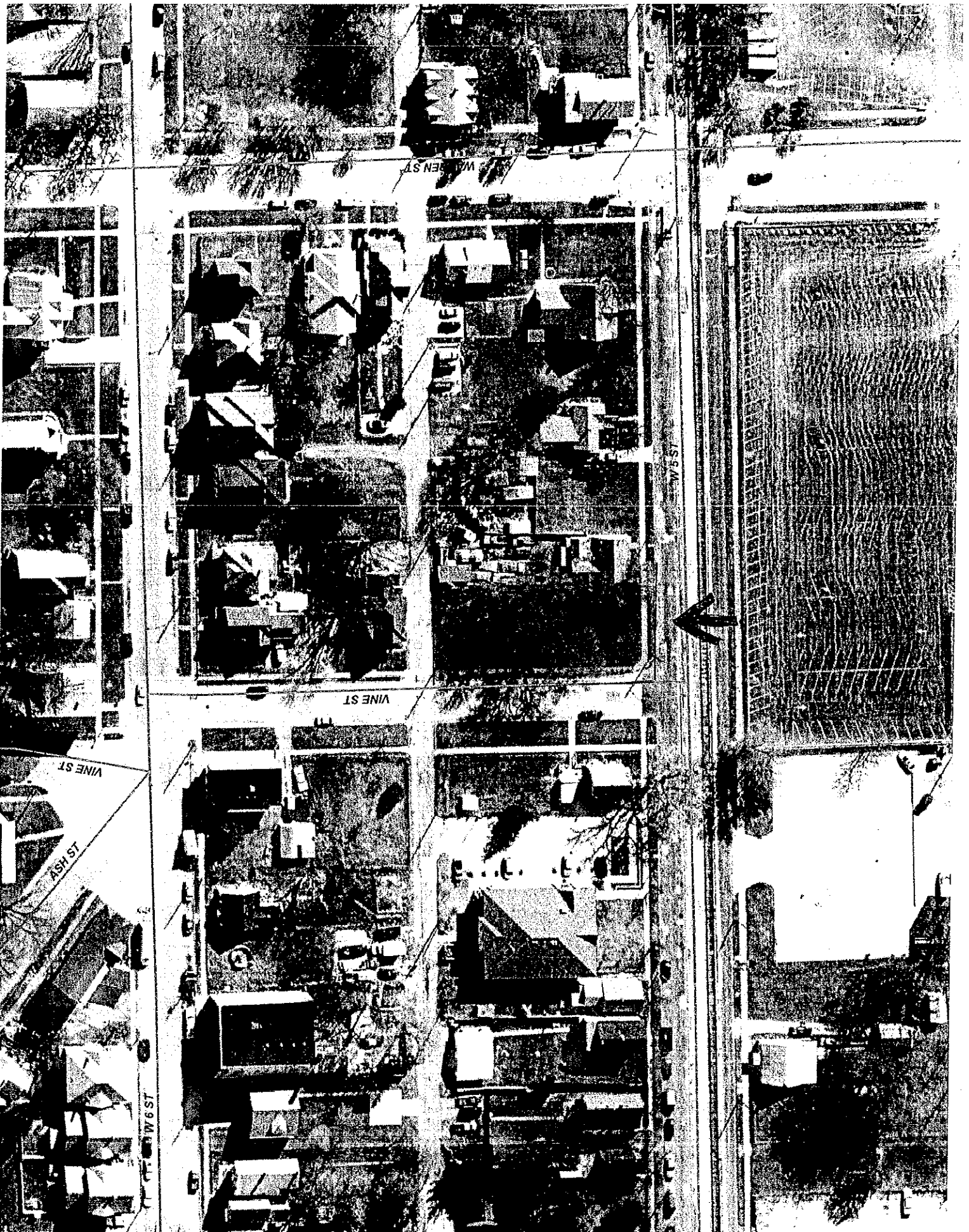
Sandra Walters

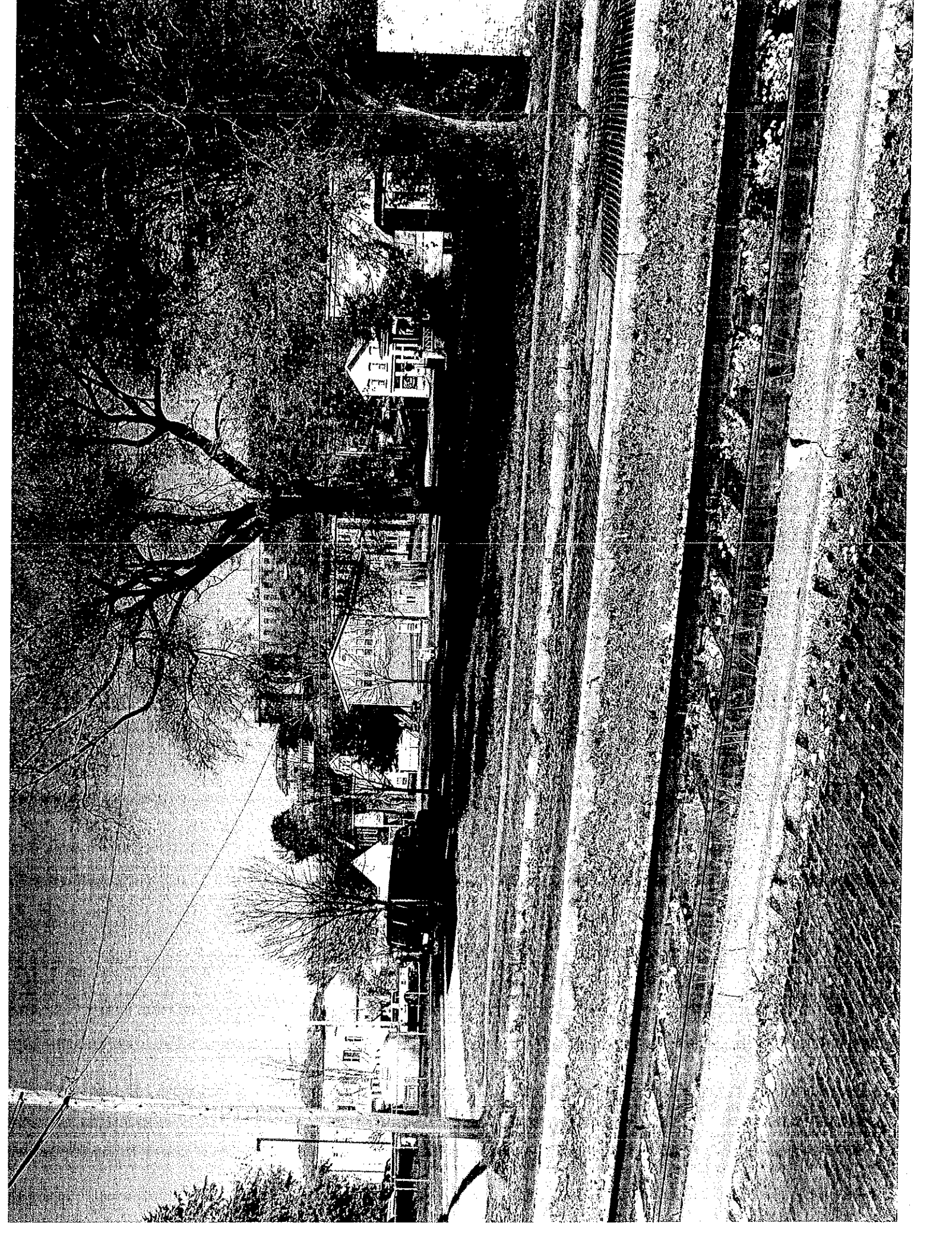
Sandra Walters, LISW, MSW
Co-Director
Humility of Mary Housing, Inc.

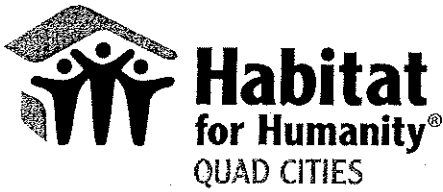
Sandra Walters, LISW, MSW, Co-Director
Julie K. Williams, PhD, ACSW, LMSW, Co-Director

1016 West 5th Street • Davenport, Iowa 52802 • (563) 322-8065

G0050-51 + G0050-53







... Building Homes

... Building Hopes

... Building Dreams

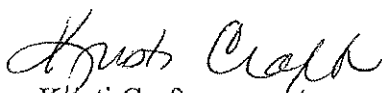
October 21, 2009

Tim Huey
Scott County Planning and Development
500 West 4th St
Davenport IA 52801

Dear Tim,

Thank you for sending us the list of available lots. We would like the lot located at 322 8th St. Our plan would be to build a single family home there. Thank you for your help in this matter.

Sincerely,


Kristi Crafton
Executive Director

F0048-19



