

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: January 10, 2013

Re: A request by Ed Collins, applicant and Marion LaGrange Trust, property owner to rezone a 4.72 acre parcel from conditional Commercial Light Industrial (C-2) to Commercial Light Industrial (C-2) located in part of the SE¹/₄SE¹/₄ and the SW¹/₄SE¹/₄ of Section 7 and part of the NW¹/₄NE¹/₄ and the NE¹/₄NE¹/₄ of Section 18 all in Pleasant Valley Township.

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. This request is amend the zoning of this property from Commercial and Light Industrial (C-2), with a landscaping only use condition, to Commercial and Light Industrial (C-2), without a landscaping only restriction. The applicant requests the removal of this parcel's landscaping only condition, which was applied when the rezoning of this property from Single Family Residential (R-1) to Commercial and Light Industrial (C-2) was approved in 2004. The applicant's request is based upon his desire to operate a used equipment repair and sales business, incidental or accessory to the current primary use of this property as a landscaping business, but also to allow future expansion of that use or other unrelated commercial uses.

Removal of this condition would allow for a General Commercial and Light Industrial zoning district classification. The applicant has stated that he has no intention of changing the primary use of the property at this time. Any future significant expansion or initiation of a new use would require a site plan review and approval.

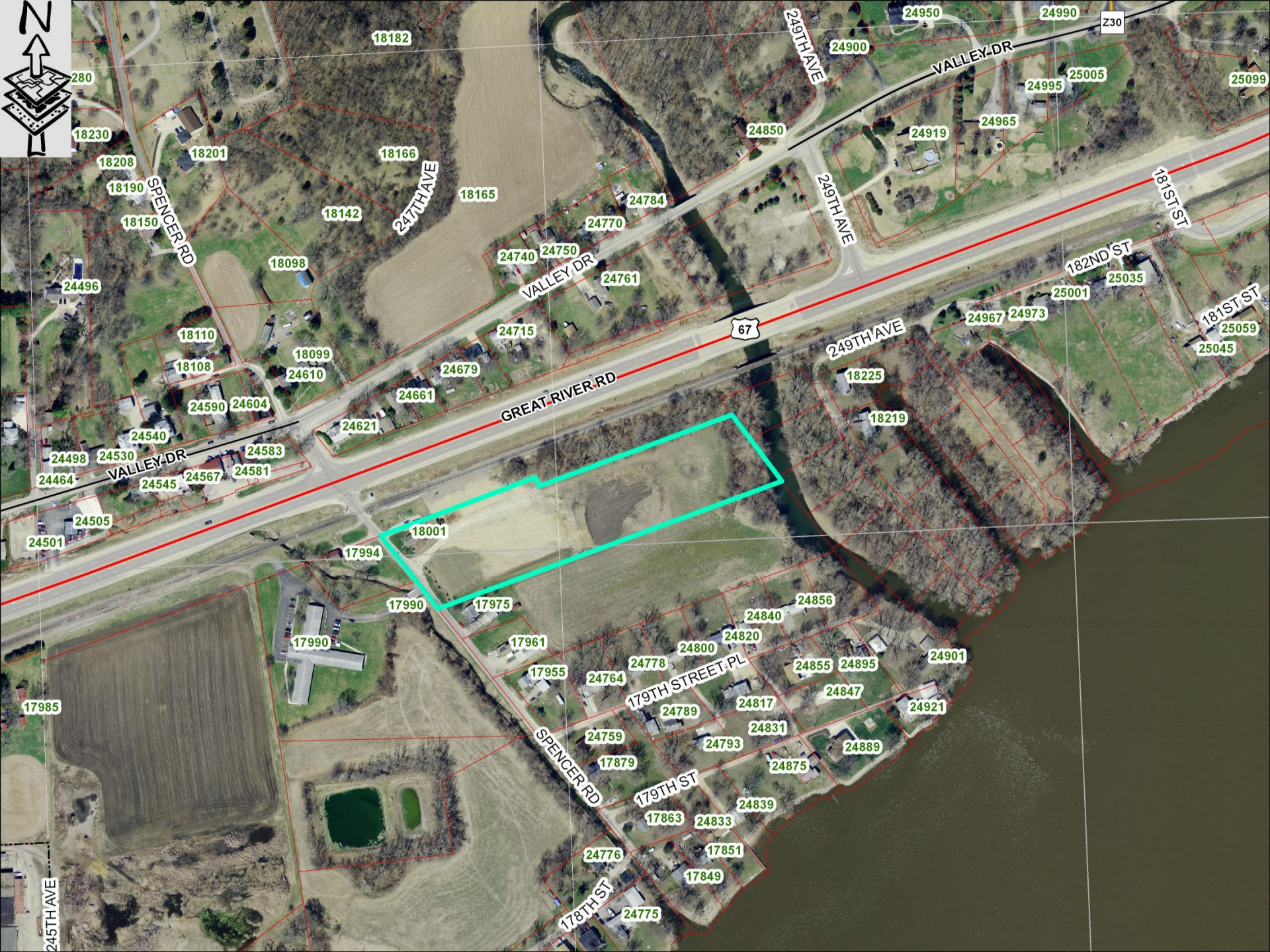
The applicant answered the questions the Planning Commission had. One neighbor was in attendance and asked how extensive the used equipment sales would be and how the property would look. The Planning Commission stated that prior to any significant changes in the uses of this property such issues would be addressed with the required Site Plan Review.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone this 4.72 acre parcel from Commercial-Light Industrial (C-2) with the condition that only a landscaping business be permitted to Commercial-Light Industrial (C-2) without any conditions based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Board of Supervisors Committee of the Whole: January 15, 2013

Rezoning Application, Pleasant Valley

- Removal of “landscape only” use restriction for a C-2 zoned parcel



18182

249TH AVE

VALLEY DR

Z30

280

18230

18208

18201

18166

24TH AVE

18165

18142

18098

24784

24770

24850

24919

24965

24995

25005

25099

SPENCER RD

249TH AVE

249TH AVE

181ST ST

24496

18110

18108

18099

24610

24740

24750

24761

24715

24679

24661

67

249TH AVE

182ND ST

25001

25035

24967

24973

181ST ST

25059

25045

24590

24604

24621

GREAT RIVER RD

18225

18219

24498

24530

24583

24464

24545

24567

24581

24501

24505

17994

18001

17990

17975

17961

17955

24764

24778

24800

24820

24789

24817

24831

24759

17879

24793

24847

24855

24895

24901

24921

24889

17985

17990

179TH STREET PL

SPENCER RD

179TH ST

17863

24833

24839

24776

17851

17849

24775

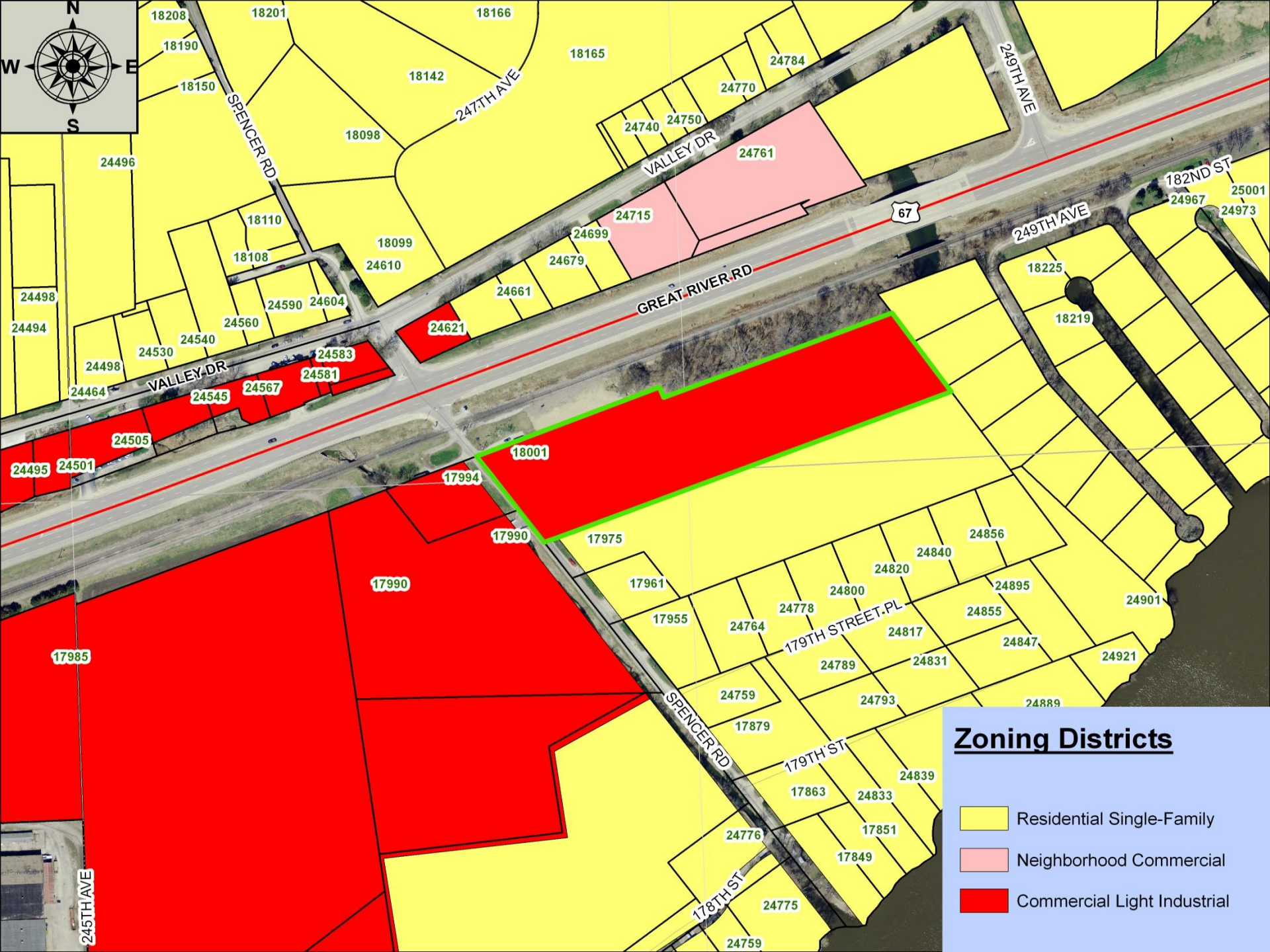
245TH AVE

178TH ST

24775

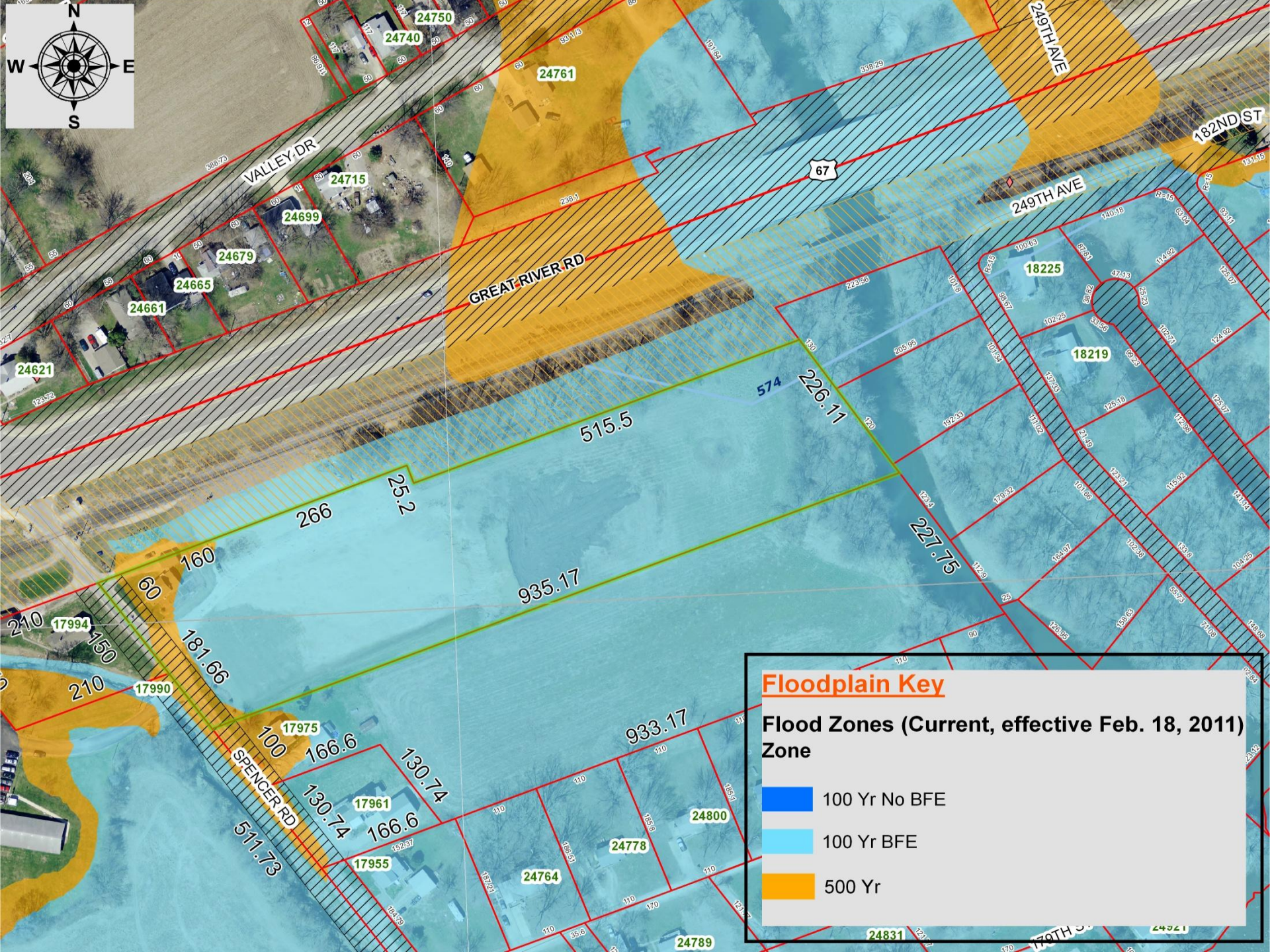
Request

- Removal of “landscaping only” condition
 - Established as part of rezoning from R-1 to C-2 in 2004.
- Purpose: To allow for a used equipment repair and sales accessory use.
 - Incidental / Accessory to primary landscaping use
 - Not a significant portion of business
 - No expansion at this time



Zoning Districts

- Residential Single-Family
- Neighborhood Commercial
- Commercial Light Industrial





NO
PARKING

NO
TRESPASSING











P & Z Recommendation

- Commission recommends approval of the rezoning of this property from C-2, with a landscaping only use condition, to C-2 without any use restrictions (with no additional conditions)
- Any future substantial expansion or change in primary use will trigger site plan review, and any site changes will be reviewed at that time



PLANNING & ZONING COMMISSION
STAFF REPORT
December 18, 2012



Applicant: Ed Collins / E&R Bros LLC (Applicant and owner of Horizon Outdoor Services)

Request: To rezone a 4.72 acre parcel from conditional Commercial and Light Industrial (C-2), with a landscaping only use condition, to Commercial and Light Industrial (C-2), without a landscaping only use restriction

Legal Description: A 4.72 acre parcel, of which approximately 0.88 acres lies within part of the NW_{1/4} NE_{1/4} and the NE_{1/4} NE_{1/4} of Section 18, and approximately 3.84 acres lies within part of the SW_{1/4} SE_{1/4} and the SE_{1/4} SE_{1/4} of Section 7, Pleasant Valley Township.

General Location: 18001 Spencer Road, Pleasant Valley, IA 52767

Existing Zoning: Commercial and Light Industrial (C-2), with a landscaping only use condition

Proposed Zoning: Commercial and Light Industrial (C-2), with no use restrictions

Surrounding Zoning:

North: Commercial and Light Industrial (C-2), Single-Family Residential (R-1), and Neighborhood Commercial (C-1)

South: Single Family Residential (R-1)

East: Single Family Residential (R-1)

West: Commercial and Light Industrial (C-2)

GENERAL COMMENTS: This request is to rezone a 4.72 acre parcel from Commercial and Light Industrial (C-2), with a landscaping only use condition, to Commercial and Light Industrial (C-2), without a landscaping only restriction. The applicant requests the removal of this parcel's landscaping only condition, which was applied when the rezoning of this property from Single Family Residential (R-1) to Commercial and Light Industrial (C-2) was approved in 2004. The applicant's request is based upon his desire to operate a used equipment repair and sales business, incidental or accessory to the current primary use of this property as a landscaping business, but also to allow future expansion of that use or other unrelated commercial uses.

Removal of this condition would allow for a General Commercial and Light Industrial zoning district classification. The applicant has stated that he has no intention of changing the primary use of the property at this time. Any future significant expansion or initiation of a new use would require a site plan review and approval.



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STAFF REVIEW: Staff has reviewed this request for its adherence to the Scott County Zoning Ordinance and to the Scott County Land Use Policies. The Zoning Ordinance states that it is the intent of the Commercial and Light Industrial Zoning District to provide for commercial and industrial establishments intended to serve the general needs of the County and the highway traveling public along adequately constructed paved County and State roads. Changes in land use and zoning should comply with a preponderance of the applicable Scott County Land Use Policies.

The Scott County Land Use Policies' guidelines for reviewing development proposals in rural areas are as follows:

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

The Future Land Use Map does not anticipate any land use changes for this property. However, it is already zoned C-2, and surrounding property along U.S. Highway 67 and Valley Drive to the west and north is zoned C-2, and there is commercial and industrial development occurring along the Highway 67 corridor in this section of Pleasant Valley.

Is the development occurring on marginal or poor agricultural land?

The land use policies rank any soil with a CSR of 60 or greater as productive or prime agricultural soil. The Natural Resource Conservation Service has not responded to the notification of this rezoning request. However, a review of the Soil Survey for Scott County indicated that this property has soils identified as Ackmore silt loam with slopes ranging from 0% to 2%, and a Corn Suitability Rating of 83. These soils are classified as IIw for land capability, which indicate wet soil having moderate limitations requiring limited soil conservation practices when tilled. While most of this property would be considered prime agricultural land, because it is currently zoned to allow a commercial landscaping business and it is an isolated remnant of an agricultural parcel, this criterion would not apply to any great degree in this case.

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

The property has approximately 240 feet of frontage on Spencer Road, a hard-surfaced county-maintained road. The property lies about 100 feet south of the intersection of Spencer Road and U.S. Highway 67, a four lane State Highway. The County Engineer did not have any comments or concerns with this request.

Does this 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, and therefore any development must comply with State health regulations for private wells and on-site wastewater treatment. The applicant is not proposing any



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expansions or additions that would burden the current water or wastewater systems serving this site. The Health Department has reviewed this request and did not have any comments.

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

As previously stated, this property is near other commercial and industrial land uses and zoning districts to the north, west and southwest. It is also adjacent to residential property to the south and east.

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

Before this property was rezoned from R-1 to C-2 in 2004, it was used for agricultural purposes. Similarly, the 4.31 acre parcel directly to the south of this property is zoned R-1 and is currently used for agricultural purposes. The property directly to the west is a nursing home, zoned C-2. As was the case with the original rezoning of this property back in 2004, the agricultural activities and land uses in this area of Pleasant Valley are on remnant parcels of agricultural land. Therefore, the addition of an accessory use on an existing C-2 zoned parcel will not be any more disruptive to any remaining agricultural uses, than existing development.

Does the area have stable environmental resources?

The east and southeast property line abuts Spencer Creek. The Mississippi River is approximately 700 to 800 feet, more or less, to the south and east of the property. When this property was originally rezoned from R-1 to C-2 back in 2004, and when the storage building was constructed in 2009 only a small easterly portion of the property fell within the 100-year floodplain. Following the 2004 rezoning, floodplain development permits were approved by both Scott County and the Iowa DNR to allow significant fill on the property which elevates most of the property out of the floodplain. The new FEMA floodplain maps for Scott County now designate the whole property as floodplain, with the majority within the 100-year, and a small northwest portion of the property, within the 500-year floodplain. All previous buildings on this property met the applicable floodplain regulations at the time of their construction. Again, no new structures are being proposed at this time, and any future buildings will be required to meet the meet floodplain regulations. The updated maps clearly did not account for the recent raising of the property, and the applicant could submit a letter of map amendment of FEMA to amend the current map.

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

The site is buffered along its southern edge in accordance with the condition established during the site plan review for this property back in 2009. At that time, a site plan review was conducted to allow for the construction of a storage building. One of the conditions of approval passed by the Planning and Zoning Commission at



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that time was that the site's trailer storage area be screened with evergreen landscaping. Any future expansion (deemed substantial by the Zoning Administrator) or change in use will require a site plan review, which will address adequate site buffering as part of that process.

Is there a recognized need for such development?

The applicant's business base is primarily within Scott County.

The notice of this public hearing was sent to the adjacent property owners within five hundred (500) feet. A sign has been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission. Staff has received a few phone calls with comments and concerns about this request. A few comments were in opposition to the request.

RECOMMENDATION: Staff recommends approval of the rezoning of this property from Commercial and Light Industrial (C-2), with a landscaping only use condition, to Commercial and Light Industrial (C-2) without a landscaping only use restriction. This recommendation is based upon the request's adherence to a preponderance of the criteria set forth in the Scott County Land Use Policies. The approval of this request grants this parcel of land a Commercial and Light Industrial (C-2) zoning district classification, with no use restrictions. However, as previously stated, any future expansion (deemed substantial) or future change in use will require a site plan review by the Planning and Zoning Commission. Such a review will address any number of site characteristics relevant to a specific request, including off-street parking and circulation areas, site layout, buffering, among others.

Submitted by: Planning Staff

December 14, 2012