

**PLANNING & DEVELOPMENT**

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Timothy Huey  
Director

To: Dee F. Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: July 8, 2013

**Re: Public Hearing on proposed text amendment to A-F Zoning District.**

The Planning Commission held a public hearing on the proposed zoning text amendment submitted by Nick and Nathan Flenker, dba Flenker Bros LLC. Their request was to add “agricultural logistics” as a permitted use in the Agricultural Service Floating Zone (A-F). Approval of this amendment would then allow them to submit a subsequent A-F rezoning application to establish an A-F zoning district for their ag commodities trucking business. There was no one in attendance at the public hearing other than the applicants.

Following the public hearing and discussion by the Planning Commission, the Planning Commission slightly amended the description of the permitted use to help ensure that the focus of any such ag logistics business would be on locally produced or locally used ag commodities. The Planning Commission concurred with staff that the current restrictions and requirements to establish an A-F zoning district would be sufficient to address the site specific issues related to such a proposed use.

The Planning Commission unanimously recommended approval of the proposed Zoning Ordinance text amendment to add as a permitted use: Agricultural commodities and logistics businesses involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities.

Copies of the Staff memo to the Planning Commission and the applicants’ petition are also attached.

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Timothy Huey  
Director

To: Planning & Zoning Commission

From: Timothy Huey, Planning & Development Director

Date: June 24, 2013

**Re: Proposed amendment to the Zoning Ordinance to add "Agricultural Logistics" as a Permitted Use in the A-F Agricultural Service Floating Zone District.**

The Zoning regulations allow any person to submit an application to amend the text of the Zoning Regulations. Nick and Nathan Flenker, dba Flenker Bros LLC a grain hauling trucking business, have submitted an application to amend the A-F zoning regulations to add agricultural logistics as a permitted use in that district. Currently there are six permitted use listed under the regulations. Approval of this amendment would allow the applicants to submit a subsequent application for a specific site for a proposed grain hauling business. Such a rezoning request would be reviewed under the criteria established in the A-F regulations. However the current request does not approve an specific site to be developed for such a use, but it would allow future rezoning applications for such uses.

The Zoning Ordinance was amended in 1994 to allow the creation of Agricultural Service Floating Zones in A-P, A-G, C-M or M zoning districts. The general intent of the A-F zone is to serve the agriculture community by allowing agriculture commercial development, which is not compatible within built-up urban areas, to locate in certain unincorporated areas. The site plan approval is to occur at the same time as the rezoning. Any land rezoned to "A-F" shall be located on or adjacent to a paved road and away from residential development and environmentally sensitive areas.

The A-F zoning district regulations establish the following criteria for land to be rezoned "A-F":

- (1) The facility shall be defined as including the buildings, improvements, maneuvering and parking area, and storage area which are graveled or paved. The facility must be located on a tract of ground where the main entrance to the facility is on or within 660 feet of a paved public road.*
- (2) The entrance to the facility must have at least 1,000 feet line of sight in both directions on the public road. The County Engineer will approve the location of the main entrance in accordance with the Iowa Department of Transportation standards and specifics and Appendix I of the Scott County Subdivision Ordinance.*
- (3) The separation spacing between the facility and any property line shall be at least 50 feet. The separation spacing to the closest neighbor's home and accessory buildings shall be at least 400 feet at time of application. The separation spacing to a current or future residential zoning district shall be at least 400 feet. Separation may be greater, if required by State or federal regulations, or to meet a unique local land use requiring special protection.*
- (4) The facility must not be located in a floodplain, within 200 feet of any river, stream,*

*creek, pond, or lake or 400 feet of another environmentally sensitive area, park, or preserve.*

*(5) Minimum lot size shall be five (5) acres.*

*(6) Facility shall be surrounded by an adequate security system to deny public access to potentially hazardous areas.*

*(7) Advertising signs shall not be larger than 100 square feet.*

*(8) Underground storage shall not be allowed on site.*

Staff has reviewed this request and has determined that if strictly limited to grain and/or livestock hauling as a agricultural commodities logistics use it is very compatible with the general intent of the A-F zoning regulations. Many farming operations that are currently being conducted in rural Scott County as ag exempt also haul grain from farm to market and those “logistics” operation are also ag exempt being accessory to farming operations. This request would allow a trucking operation that would be the principal use on a parcel of land that may or may not be run in conjunction with a farming operation. The intent of the A-F zoning regulations is to allow commercial operations that serve the agriculture community by allowing such development in an A-F zone, particularly those operations which may not be compatible within built-up urban areas and are better located in certain unincorporated areas.

The County Engineer reviewed this amendment request and stated that the existing criteria for establishing an A-F zone in the current regulations should adequately address the access issues related to an ag logistics land use under that same criteria. As stated above, an A-F zone should be on or near to a paved public road and the entrance to an A-F facility must have at least 1,000 feet line of sight in both directions on the public road.

The Scott County Health Department had no comments or concerns with this proposed amendment.

The vision statement in the Scott County Comprehensive Plan states that Scott County will protect its farming operations and promote their economic vitality. By allowing consideration of ag commodity logistics use, otherwise known as grain or livestock hauling businesses, to be located in an A-F zone complies with that stated vision. Under the existing criteria for review of application to rezone an area A-F, such an application would only be approved on sites determined to be appropriate and that met the criteria of the ordinance and land use policies.

**STAFF RECOMMENDATION:** Staff recommends that the proposed zoning text amendment to add Agricultural Commodities Logistics businesses a permitted use in A-F zones be approved based on its compliance with the general intent of the Agriculture Service Floating Zone and the Scott County Land Use Policies and Comprehensive Plan.

**Zoning Petition to**  
**Amend Zoning**  
**Ordinance Text: From**  
**Flenker Bros. LLC**

Dear Mr. Timothy Huey,

This zoning petition is to seek an amendment to zoning ordinance text related to Section 6-10: "A-F" Agriculture Service Floating Zone of the Zoning for Unincorporated Areas. It is intended that this be reviewed and approved by the Scott County Planning and Zoning Commission.

Flenker Bros. LLC is a commercial agricultural based trucking company that serves the rural agricultural community in Scott County, Iowa and surrounding states. Currently the business is located in rural Princeton, Iowa and strictly focuses on the transport of dry agricultural products like grain, feed, and fertilizer to and from local farms, feed processing facilities, dealers, and retail outlets. Flenker Bros. LLC consists of 6 semis that all utilize gain hopper bottom trailers to relocate product from one facility to another. At this time, there are a total of 5 employees.

Flenker Bros. LLC is asking that Item B of Section 6-10: "A-F" Agriculture Service Floating Zone be amended with an additional principal permitted use of #8: agricultural logistics. This would include any company associated with the movement or transportation of agricultural commodities.

Companies like Flenker Bros. LLC that transport agricultural commodities serve those closest to the land and therefore need to be located in close proximity to those entities. Agricultural logistics operates 24 hours a day, 5 days a week for the majority of the year and increases to 6 or 7 days a week during peak operating seasons like fall. It is possible for a business of this type to have agricultural commodities pre-loaded in trailers for next day delivery. The majority of travel occurs on country roads which eliminates the need to be located next to or near an interstate. Any travel through a town is done so on main routes to avoid neighborhoods and children at play. Allowing the amendment to this Section will allow these types of businesses to serve customers to the fullest while reducing the nuisances to a town.

Flenker Bros. LLC is asking to rezone 7 acres of "A-P" Agriculture Preservation Land located in T-79-80-N R-4-5-E Section 30 Northwest corner of Scott County, Iowa to "A-F" Agriculture Service Floating Zone. Currently this land is owned by Albert and Mary Hess. Flenker Bros. LLC will be purchasing this land from them and would like to use this to continue to grow the business. Flenker Bros. LLC intends to build a facility which will consist of a 80' X 120' X 22' steel structure along with a surrounding gravel lot for semi and trailer maneuvering and parking. The structure constructed will consist of 4 bays with overhead doors to allow for semi and trailer maintenance and storage away from the elements. There will also be an office and restroom for business and employee purposes. This property will also be landscaped with grass, trees and shrubbery for eye appeal and will be intended for Flenker Bros. LLC business only. The property to be rezoned is approximately 1.5

miles south of McCausland, Iowa and is adjacent to county road Z30. It is not in close proximity to any residential development or environmentally sensitive areas.

SCOTT COUNTY ORDINANCE NO. 13-\_\_\_\_\_

AN ORDINANCE TO AMEND A PORTION OF SECTION 6-10 OF THE ZONING  
ORDINANCE FOR UNINCORPORATED SCOTT COUNTY

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

**Section 1.** Amend Section 6-10 “AGRICULTURE SERVICE FLOATING ZONE”

**B. Principal Permitted Uses** by adding “(7) Ag commodities and logistics businesses involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities.”

**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 this 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 parts of ordinances in conflict with the provisions of this 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 \_\_\_\_\_ 2013.

\_\_\_\_\_  
Larry Minard, Chairman  
Scott County Board of Supervisors

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Roxanna Moritz, County Auditor