PLANNING & DEVELOPMENT

500 West Fourth Street Davenport, Iowa 52801-1106

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Item 06 12-03-13

Timothy Huey Director

To: Dee F. Bruemmer, County Administrator

From: Brian McDonough, Planning & Development Specialist

Date: November 26, 2013

Re: Presentation of the Planning and Zoning Commission's recommendation regarding an application to rezone approximately 7 acres from Agricultural-Preservation District (A-P) to Agricultural Service Floating Zone (A-F) in the southwesterly corner (precisely the south 865 feet of the west 355 feet) of the SW¹/₄ NW¹/₄ of Section 19, Princeton Township.

At their November 19, 2013 meeting, the Scott County Planning and Zoning Commission voted unanimously (7-0) to recommend approval of the rezoning application in accordance with staff's recommendation and conditions of approval, following a public hearing. The applicants, Nick and Nathan Flenker of Flenker Bros, LLC, were present at the meeting. There were approximately 10 members of the public in attendance, with seven or so members being present for the rezoning agenda item. No one from the public, besides the applicants, spoke during the public hearing portion of the meeting.

Staff recommended approval of the rezoning request due to its compliance with both the Scott County Zoning Ordinance and a preponderance of the criteria listed in the Scott County Land Use Policies. Staff recommended approval subject to six conditions.

- 1) The applicant shall plant tree buffer strips along portions of the west, north, and south edges of the site to limit the impact of the development upon 240th Avenue.
- 2) The applicant's proposed security fencing shall enclose the entire site and include a lockable front gate at the main entrance. This shall be completed prior to operation.
- 3) Any parking or circulation area must be paved, while any storage area may be graveled and shall have controlled access. The County Engineer's Office must approve the driveway approach and all paving and surfacing.
- 4) Any building shall obtain a permit and comply with all building codes.
- 5) Copies of any state and federal permits held by the company shall be submitted to the Scott County Planning and Development Office prior to operation.
- 6) All requirements of the Scott County Health Department shall be met.

During Commission discussion a few questions were directed toward the applicant. Commissioner Kluever asked about the transportation of fertilizers and overnight storage of products. The applicants responded that they currently haul dry fertilizers, and may obtain the proper permits in the future to haul liquid fertilizers. There is the potential for overnight storage of dry goods on the site. The applicant had no concerns with staff's recommended conditions. The Commission agreed that this application met the intent of the A-F zoning district as well as complied with the Zoning Ordinance and Land Use Policies.

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NOTICE OF SCOTT COUNTY BOARD OF SUPERVISORS PUBLIC HEARING FOR REZONING

Public Notice is hereby given as required by Section 6-31 of Scott County Code (Zoning Ordinance for unincorporated Scott County), that the Scott County Board of Supervisors will hold a public hearing on **Thursday, December 5, 2013** in the Board Room of the County Administrative Center, 600 West 4th Street, Davenport, Iowa. The meeting begins at **5:00 P.M.**

The Board of Supervisors will consider the request of **Flenker Brothers, LLC** (applicant) and **Albert Hess** (property owner) to rezone seven (7) acres, more or less, located approximately one-mile south of the incorporated limits of the City of McCausland on the east side of 240th Avenue, and being directly adjacent to the roadway easement, from Agricultural-Preservation (A-P) to Agricultural Service Floating Zone (A-F). The property is legally described as a seven (7) acre parcel that is the south 865 feet of the west 355 feet of the SW½ NW¼ of Section 19, Princeton Township.

The applicant requests this rezoning for the purpose of developing and operating an agriculturally-related trucking and logistics business. The business is primarily involved in the local transportation of agricultural commodities. The site plan for the proposed new development will also be reviewed in conjunction with the rezoning request.

Following a public hearing on November 19, 2013, the Scott County Planning and Zoning Commission voted 7-0 to recommend approval of the rezoning and site plan. The Commission determined that the application complied with the Scott County Zoning Ordinance as well as met a preponderance of the criteria listed in the Scott County Land Use Policies.

The application is on file and available for review at the Planning and Development Office. If you have questions or comments regarding the public hearing, please call, write or email the Planning and Development Department, 500 West Fourth Street, Davenport, Iowa 52801, 563-326-8643, planning@scottcountyiowa.com or attend the hearing.

Timothy Huey Director



PLANNING & ZONING COMMISSION STAFF REPORT





Applicant: Flenker Bros., LLC (applicant); Albert F. Hess Revocable Trust (property

owner)

Request: Rezone approximately 7 acres from Agricultural-Preservation District

(A-P) to Agriculture Service Floating Zone (A-F)

Legal Description: 7 Acres M/L in the southwesterly corner (precisely the south 865 feet of

the west 355 feet) of the SW1/4 NW1/4 of Section 19, Princeton Township

(Township 78 North, Range 5 East of the 5th Principal Meridian)

General Location: Approximately one-mile south of the incorporated limits of the City of

McCausland on the east side of 240th Avenue, being directly adjacent to

the roadway easement.

Zoning: Agricultural-Preservation (A-P)

Surrounding Zoning:

North: Agricultural-Preservation (A-P)
South: Agricultural-Preservation (A-P)
East: Agricultural-Preservation (A-P)
West: Agricultural-Preservation (A-P)

GENERAL COMMENTS: This request is to rezone approximately seven acres of land from Agricultural-Preservation (A-P) to Agriculture Service Floating (A-F) in order to allow for the future location of an agriculturally-related trucking business. The company is primarily involved in the local transportation of agricultural commodities, including grain, feed, and fertilizer. The business serves the rural agricultural community of Scott County, Iowa, and surrounding states. The business is currently operated in rural Princeton by Nick and Nathan Flenker of Flenker Bros., LLC. Recent expansions have necessitated a new location for their business.

The application and site plan indicate a steel building which will have four (4) bays with overhead doors to allow for inside maintenance and storage of semi-trailers and trucks. This building will have an attached office with a meeting room and restrooms. The site plan also indicates parking areas for employees as well as room for truck and trailer circulation.

STAFF REVIEW: Staff has reviewed this request for compliance with the criteria set forth in both the Scott County Zoning Ordinance and the Scott County Land Use Policies for rezoning applications. Section 6-10 of the Zoning Ordinance states the intent of the Agriculture Service Floating Zone (A-F) is to, "serve the agricultural community by allowing agriculture commercial development, which is not compatible within built-up urban areas, to locate in certain unincorporated areas." The A-F Zone allows such



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Agriculture Service Outlets in several existing zoning districts, including Ag Preservation (A-P). This past summer Flenker Bros., LLC submitted a proposed amendment to the A-F zoning district to create an additional permitted use of "Ag commodities and logistics businesses involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities." The amendment received a unanimous recommendation for approval from the Planning Commission following a public hearing. Following a public hearing and two readings by the Board of Supervisors, the language officially became part of the Zoning Ordinance.

Section 6-10.E of the Zoning Ordinance lists eight criteria that must be met in order for a property to be rezoned A-F.

- 1) The facility's main entrance must be on or within 660 feet of a paved road.

 The proposed site is directly on the east side of 240th Avenue, which is a paved, two-lane County maintained road.
- 2) The facility's entrance must have at least 1,000 feet line of sight in both directions on the public road.

There is greater than 1,000 feet line of sight in both directions from the property entrance. The County Engineer has reviewed and approved of the site distance.

3) The distance between the facility and the nearest property line shall be at least 50 feet. Also, the distance between the site and the closest neighbor's home and accessory buildings shall be at least 400 feet. Furthermore, the distance between the facility and a current or future residential zoning district shall be at least 400 feet.

The site plan indicates the proposed building and office will be setback a minimum of 50 feet from all property lines.

The closest neighbor's home and accessory buildings are located north and east of the proposed site. The nearest accessory building is over 1,300 feet from the facility, while the nearest home is on the same property and setback over 1,400 feet from the facility.

The nearest current residential zoning districts are over 5,000 and 6,000 feet away, respectively. There are no planned future residential zoning districts in close proximity to the proposed site.

4) The facility must not be in a floodplain. It must also not be within 200 feet of any river, stream, creek, pond, or lake or within 400 feet of any environmentally sensitive areas.

The area is not in a floodplain. There exists a small stream which runs east and south of the proposed site. At its closest point to the east the



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stream is over 1,000 feet from the site. At its closest point to the south the stream is over 500 feet away from the site. There are no environmentally sensitive areas in close proximity.

- 5) Minimum lot size shall be 5 acres

 The rezoning application is for 7 acres.
- 6) The facility shall be surrounded by an adequate security system to deny public access to potentially hazardous areas.

The applicant has indicated that they will install a permanent security fence around the property.

- 7) Advertising signs shall not be larger than 100 square feet

 There is no current proposal for signage, and any sign that is placed on
 the property will meet this requirement or receive a variance from the
 Board of Adjustment.
- 8) Underground storage shall not be allowed on site *Any storage will be above ground.*

In addition to compliance with the Zoning Ordinance, changes in land use and zoning must comply with a preponderance of the applicable Land Use Policies. Generally, the Scott County Land Use Policies encourage development to locate within cities, however, the guidelines for reviewing development proposals in rural areas are as follows:

Is the development occurring on marginal or poor agricultural land?

There are three different soil types existing on the proposed seven acre site including: Zook silty clay loam, Marshan clay loam, and Lawler loam. These three soil types have slopes ranging from zero to two percent, all are found on level ground at lower elevations and along stream terraces, and are poorly drained. Zook silty clay loam has low permeability and runoff. It has a high water table, and is suitable for row crops and grasses, hay, and pasture if tiling is installed. It has a Corn Suitability Rating (CSR) of 64. Marshan clay loam has a depth of 24 to 32 inches to sand and gravel, has moderate permeability and slow runoff, and a high water table. It is suitable for crops if tiling is installed, and has a CSR of 54. Lawler loam has a depth of 24 to 32 inches to sand and gravel and has moderate permeability and slow runoff. It is suitable for row crops and grasses, hay, and pasture. It has a CSR of 59. The Scott County Board of Supervisors has set the threshold for Prime Farmland in Scott County at 60 CSR per quarter section of land. Any land meeting this threshold shall be protected from urban development, so long as other critical land use policies are met. There are five different soil types found in the SW1/4 NW1/4 of Section 19, Princeton Township. The weighted average CSR of the five soil types existing on this 40 acre quarter, quarter section is 64.5, with the weighted average taking into account the percentage of land area covered by each of the soil types and their respective CSR's. The seven acre portion to be rezoned has three different soil types. The weighted average CSR of the proposed seven acre tract is 58.5. The 40 acre guarter, guarter section would be considered Prime Farmland under the



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County's policies, while the seven acre tract to be rezoned would fall just under that threshold. Clearly this land has agricultural value and use potential. However, the intent of the A-F Zone is to allow for small-scale retail service outlets to be sited in rural areas and on agricultural land for the purposes of serving the rural agricultural community. Therefore, while an analysis of CSR's and Prime Farmland designations is relevant, this factor, in and of itself, should not be grounds for either approving or denying an A-F rezoning request.

Is there access to adequately constructed paved roads?

This site is located directly adjacent to 240th Avenue, a paved, two-lane County maintained road.

Are adequate public or private services present, such as: water, sanitary sewer systems, schools, and parks, employment centers, and commercial areas to serve the development and prevent sprawl?

This guideline was intended primarily to ensure that residential development in the County does not occur without proper facilities present or planned, specifically new residential subdivisions. This proposed Ag trucking business would not create significant additional service demands on the County. The proposed site has access to electricity, but not natural gas. Propane is a viable alternative to natural gas, if needed. The site is within the City of McCausland's Planning Boundaries. The City of McCausland has a municipal sewer system, but no municipal water system. The site plan shows the location of a planned septic tank. Any septic system or wells would have to meet the requirements of the Scott County Health Department.

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

This development will create a positive impact upon existing agricultural activities which benefit from the movement of agricultural commodities in Scott County, the State of Iowa, and the Midwest region which the business serves. Seven acres of rural land will be taken out of agricultural production if this request is approved, and increased noise, dust, light emissions, among other nuisances are to be expected with an agricultural commercial land use.

Is the development located in areas of stable environmental resources?

The site is on very flat ground with little elevation changes. The location is not near any parks or preserves and is over 500 feet from the nearest waterway.

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

The site is surrounded by row crop agricultural land, which does not necessitate buffering from this proposed land use. In the Recommendation section staff suggests buffering along the west, north, and south property lines so as to minimize the development's impact on 240th Avenue.

Can it be shown there is a recognized need for such development?

The free market is primarily responsible for determining need. Flenker Bros., LLC currently operates this business in rural Princeton, but due to recent expansions has determined that a new, larger site will best serve their business needs. They are a private, for-profit company investing in a new site in Scott County that will serve the farm economy of the County, State, and region. There does not appear to be an overabundance of similar businesses in the area.



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Can the development be laid out in an efficient and compact manner?

Any A-F rezoning requires a minimum site area of five acres. This requirement ensures adequate room is available to accommodate site functions and also ensures excess land area is available for buffering. This application rezones approximately 7 acres, with a portion of that area remaining undisturbed.

Will the development be supportive of energy conservation?

Yes, to the extent possible. Scott County has adopted building codes which must be met by any structure greater than 120 square feet in size. As part of the permitting process any residential or commercial structure with conditioned space heated by fossil fuels must submit documentation demonstrating that energy efficiency requirements of the U.S. Department of Energy will be met.

PUBLIC COMMENTS: Staff has mailed notification of this hearing to the adjacent property owners within 500 feet of the property as well as to the City of McCausland. A sign was also posted at the property stating the date and time the request would be heard by the Planning and Zoning Commission. To date, staff has not received any comments regarding this request.

The Health Department had no concerns. The County Engineer assured that adequate site distances exist at the driveway entrance, and had no traffic concerns.

RECOMMENDATION: Staff recommends approval of this rezoning request based upon its compliance with the Scott County Zoning Ordinance and its compliance with a preponderance of the criteria of the Land Use Policies, but subject to the following conditions:

- 1) The applicant shall plant tree buffer strips along portions of the west, north, and south edges of the site so as to limit the impact of the development upon 240th Avenue. The plantings shall include at least 50% evergreens or other non-deciduous plants which will provide buffering during all seasons. Such plantings shall not extend west into the road right-of-way or obstruct traffic visibility for either motorists along 240th Avenue or for traffic turning out of the site.
- 2) The applicant's proposed security fencing shall enclose the entire site and include a lockable front gate at the main entrance. This shall be completed prior to the beginning of any operations.
- 3) Any parking or circulation area must be paved, while any storage area may be graveled and shall have controlled access. The County Engineer's Office must approve the driveway approach and all paving and surfacing.



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- 4) Any building shall obtain a building permit and comply with all Scott County building codes.
- 5) Copies of any state and federal permits held by Flenker Bros., LLC shall be submitted to the Scott County Planning and Development Office prior to operation.
- 6) All requirements of the Scott County Health Department shall be met.

Submitted by:

Brian McDonough Planning & Development Specialist November 14, 2013

Rezoning Petition: From Flenker Bros. LLC

Dear Mr. Timothy Huey,

This rezoning petition is asking to rezone 7 acres of land located at T-79-80-N R-4-5-E Section 30 Northwest corner of Scott County, Iowa from "A-P" Agriculture Preservation to "A-F Agriculture Floating. Currently this parcel is owned by Albert and Mary Hess with the agreement that Flenker Bros. LLC will purchase the property with the approval of this rezoning request. Section 6-10 item B number 7 states that: Agriculture logistics Business are allowed in these areas if the proposed land to be rezoned and the business fall under the stated rules.

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 transportation 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 intends to build a facility which will consist of a 80′ X 120′ X 20′ steel structure along with a surrounding gravel lot for semi and trailer maneuvering and parking on the 7 acre parcel. 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, meeting room, and restrooms for business and employee purposes. The structure will be insulated and utilize radiant heat during the winter months. The floor will consist of concrete. The property will be equipped with an adequate security system to deny public access by installing a security fence around the parameter of the property. All fuel storage will be above ground with necessary EPA containment surrounding the fuel storage containers to prevent any ground water contamination. This property will also be landscaped with grass, trees and shrubbery. A sign (no larger than 100 square feet) will greet people at the property entrance and include the business name, address and phone number. This property is intended for Flenker Bros. LLC business only.

The parcel 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 residential development, environmentally sensitive areas, or future residential areas. The area to be rezoned is located within 660 feet of the adjacent public paved road (Z30 or 240th Avenue). The area for the entrance has 1,000 feet line of site in both directions for entering and exiting the adjacent public road. The facility will be constructed no less than 50 feet away from neighboring property lines. The nearest neighboring home is located more than 400feet from the facility. The facility will be

located more than 200 feet from environmentally sensitive areas, rivers, streams, creeks, ponds and lakes.

Flenker Bros. LLC requests that this parcel be rezoned from "A-P" Agriculture Preservation to "A-F Agriculture Floating to enable the construction of the facility described above. Flenker Bros. understands the rules associated with this rezoning and what is required to meet these rules. Please consider this proposal.

Thank you,

Nick Flenker

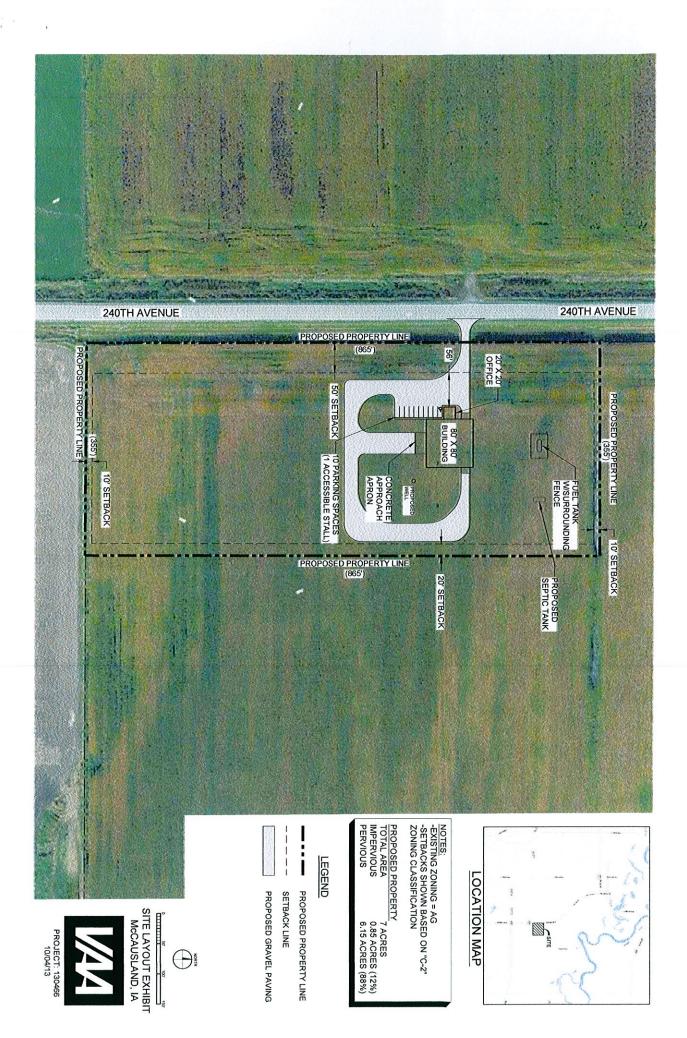
President, Flenker Bros. LLC

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Vice President, Flenker Bros. LLC

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SECTION 18

1. Baclet, Timothy 5

2. Dickey, Phillip 7

SECTION 19

6. Polich Trust, Mark
C. Lindle, Larry 10

G. Lindle, Margaret 1

J. Hasse Trust 16

G. SECTION 20

Baclet, Timothy 5 Conservation Board 15 Clinton County
Conservation Board 6

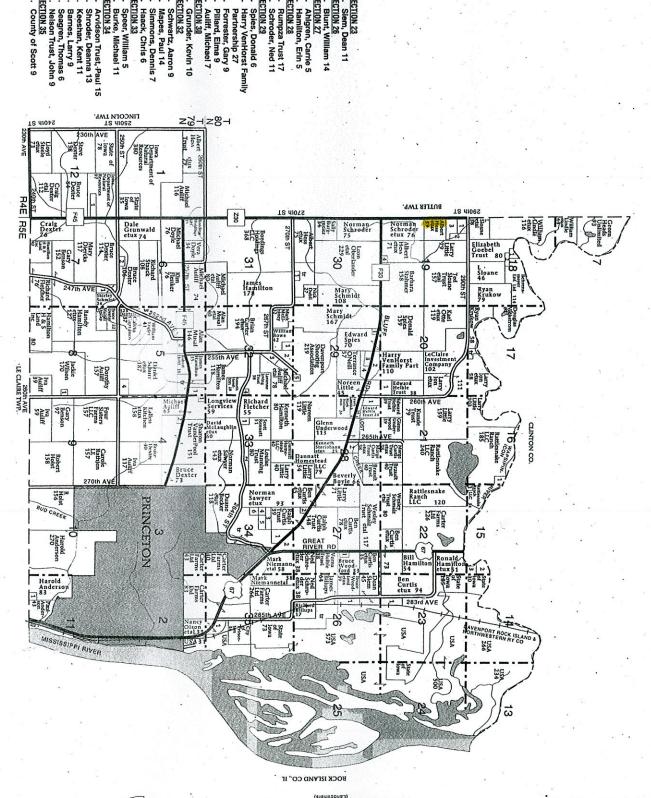
Schott, Phil 5

phrey, Brent 12

Soenksen, Glen 10 exter, Bruce 15

Trust, Andrea 5

Polich Trust, Marlene 13 Lindle, Larry 10 Lindle, Margaret 14 Hasse Trust 16



PRINCETON TOWNSHIP SECTION 4

Botkin, Charles 6 Morgan, Nikole 6

Date 8-19-13	
Scott County Planning and Zoning Commission	
Scott County Courthouse	
Davenport, Iowa 52801	
Dear Commission Members: FLENKER BROS, LLC	, owners/purchasers/developers of
from Anwhore Preservation For the request to the Commission, please find attached 13 cc (A like amount shall be payable if the petition goes before the	opies of the plat/site plan and filing fee of
Number of Acres Being Rezoned	
LEGAL DESCRIPTION (attach separate sheet if necessary)	
STATEMENT OF INTENDED USE The intended new use of the property would include the following: Ag logistics Buisness's (The Movement and transported of Agriculture products locally, Raw matterials & Processed feed & Cert Products) HOW WILL SUCH USE COMPLY WITH THE SCOTT COUNTY PLAN AND LAND USE POLICIES?	
Respectfully submitted, When Lo. Dellar Signature Wick Flenker Name of Applicant 20021 220th St., Mailing Address Davenport, Fac City/State 563-370-3232 Telephone	Signature Albert Hess Others If Applicable (Print) 5380 CRISWELL St. Mailing Address BETTENDOFF, IA 52722 City/State 563-332-6256 Telephone
Received by	

Zoning Staff

REZONING PETITION

