

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Dee Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: September 2, 2014

Re: **A request from 4RC Farms, LLC and Ronald Claussen to rezone approximately 240 acres from Ag Preservation (A-P) to Ag General (A-G), and to update the Future Land Use Map to show the same 240 acres as a residential designation. The property is located in Part of Section 5 in LeClaire and Pleasant Valley Townships.**

The Planning Commission recommended denial of this request with a split vote (4-3), based on its lack of compliance with a preponderance of the criteria of the Revised Land-Use Policies and because the property should be annexed in to the City of LeClaire prior to its development. This application had been submitted by the property owner to rezone the only A-P zoned land lying south of I-80 in the unincorporated area of the county. It lies between the west boundary of the City of LeClaire and one (1) mile east of the City of Bettendorf corporate limits. The motion to recommend denial of this rezoning was based on the fact that this property is directly adjacent to the city limits of the City of LeClaire, and that if the property was to be developed it should be annexed into the City first and therefore any rezoning by the County was inappropriate and unnecessary.

Staff's recommendation had been to approve this application based on its location, adjacent to residential subdivisions on the south and east and I-80 to the north. Furthermore, approval of the rezoning to A-G would not allow any immediate development of the property but rather rezoning to Agricultural-General (A-G) was the recommended intermediate step for the consideration of future rezoning applications in order to develop non-Ag uses. If granted, the Future Land Use Map update to a residential designation for the same 240 acres would indicate the future development of this area for residential purposes would be appropriate, provided it met a preponderance of the other criteria for consideration of land use changes. Staff maintained that approval of the rezoning would not limit in any way Scott County's ability to encourage or require the appropriate annexation to occur prior to any development.

The applicant and his attorney were in attendance and spoke in favor of this request. Only one member of the public spoke and did not express any opposition to this application. Staff has not received any other calls or comments on this application. All of the neighboring property owners that were notified of the public hearing before the Planning and Zoning Commission will be notified of the Board of Supervisors public hearing as is required by County Code, legal notice of the public hearing is also published as required by State Law.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends denial of the request to rezone 240 acres (more or less) from Agricultural-Preservation to Agricultural-General (A-G) and to update the Future Land Use Map to show the same 240 acres as a residential designation based on its lack compliance with a preponderance of the criteria of the Revised Land-Use Policies and because the property should be annexed in to the City of LeClaire prior to its development.



PLANNING & ZONING COMMISSION
STAFF REPORT
August 19, 2014



- Applicant:** 4RC Farms, LLC
- Request:** Rezone approximately 240 acres from Agricultural-Preservation (A-P) to Agricultural-General (A-G), and update the Future Land Use Map to a residential designation for the same 240 acres.
- Legal Description:** Part of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 5 in LeClaire Township; Part of the NW $\frac{1}{4}$, and Part of the N $\frac{1}{2}$ N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 5 in Pleasant Valley Township.
- General Location:** Between the westernmost boundary of the City of LeClaire and one (1) mile east of the City of Bettendorf corporate limits, bounded by Interstate 80 to the north and Forest Grove Road / 195th street to the south.
- Zoning:** Agricultural-Preservation (A-P)
- Surrounding Zoning:**
- North:** Agricultural-Preservation (A-P)
 - South:** Agricultural-General (A-G), Single-Family Residential (R-1)
 - East:** City of LeClaire
 - West:** Agricultural-General (A-G)

GENERAL COMMENTS: This request is to rezone approximately 240 acres of land from Agricultural-Preservation (A-P) to Agricultural-General (A-G), and to update the Future Land Use Map to show a residential designation for the same 240 acres. The Scott County Zoning Ordinance (Sec. 6-7. B.) states "...it is the intent of this Chapter that the "R-1", "R-2", "C-1", "C-2" and "M" Zoning Districts should not be established through rezoning the "A-P" District. Thus, rezoning to Agricultural-General (A-G) is the recommended intermediate step for the consideration of future rezoning applications in order to develop non-Ag uses. If granted, the Future Land Use Map update to a residential designation for the same 240 acres would indicate the future development of this area for residential purposes would be appropriate, provided it met a preponderance of the other criteria for consideration of land use changes.

This property lies within the extraterritorial jurisdiction for subdivision review of both the City of LeClaire and the City of Bettendorf. The east 70 acres, is directly adjacent to LeClaire corporate limits and within their Urban Service boundary for city sewer. The west 170 acres is within Bettendorf's jurisdiction but not within an area they would be able to serve with city sewer service. Bettendorf corporate limits are a full mile west of the western most boundary of this property.



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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 Agricultural-General (A-G) District to serve the agricultural community and act as a holding zone until a compatible urban development proposal is approved through special use permits or rezoning. Any proposed changes in land use and zoning should comply with a preponderance of the applicable Scott County Land Use Policies.

This specific rezoning request will not, by itself, enable any development of this property. However, this request is submitted in conjunction with a request to amend the Future Land Use Map, and therefore the following review is offered regarding potential residential development of this property.

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?

This application includes a request to amend the Future Land Use Map to show this area as appropriate for residential development.

Is the development occurring on marginal or poor agricultural land?

Scott County ranks any soil with a Corn Suitability Rating (CSR) of 60 or greater as Prime Farmland. The Scott County Soil Conservationist has not, as of yet, responded to a request for comments on this rezoning. Planning staff evaluated the property's soils using soils data from the 2012 Natural Resources Conservation Service (NRCS), United States Department of Agriculture; Gridded Soil Survey Geographic (SSURGO) Database for Iowa. The property is made up of a combination of silt/loam soil types including, Ackmore silt loam, Dockery silt loam, Downs silt loam, Fayette silt loam, Kilduff silty clay loam, Lindley loam, and Tama silty clay loam, with varying slopes and degrees of erosion. The weighted average CSR is 68.33. Approximately 77 of the 240 acres has a CSR less than 30 and of those 77 acres all have slopes greater than 9%. Approximately 1/3 of this property would be considered marginal or poor Ag land.

Is there access to adequately constructed paved roads?

This site is located directly adjacent to Forest Grove Road / 195th Street, 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. County policy also encourages development to occur within the established cities.



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The City of LeClaire is able to provide sewer service to the eastern portion of this property, in such a case the property would be annexed into the City prior to approval of any subdivision and the development would occur entirely within the City of LeClaire.

The Pebble Creek subdivision, directly adjacent to this property, was developed in this manner. That property was zoned R-1 by Scott County but when the current development was proposed it was annexed into the City of LeClaire so sewer service could be provided. Staff would anticipate that a similar scenario would be followed when the development of this property is proposed.

The property is not currently served by either public sewer or water service, and therefore any development must comply with State and County health regulations for private wells and on-site wastewater treatment unless sewer is extended. The County Health Department has reviewed this request and expressed no concerns; however, the Health Department did express that if further development is proposed, every effort should be sought to connect to LeClaire city services. As stated above, Planning Staff would concur with encouraging annexation of this property to ensure that it would be served by central sewer and water services.

The County Engineer commented that, if developed in the County, any future subdivision roads would not be taken over by the County for maintenance.

Staff met with the Applicant's attorney, the LeClaire City Administrator and the Bettendorf Planning Director to discuss this application. It would appear that this application may facilitate the two cities to reestablish a new extraterritorial jurisdiction boundary for platting in order to reflect the areas that LeClaire would be able to sewer, and therefore annex prior to development.

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

The adjacent area on two sides of this property is developed with residential uses, with Interstate 80 adjacent to the north boundary. The agricultural uses that are in the vicinity of this property are limited to the cultivation of row crops. It would appear that the development of this property for residential uses would not be disruptive to existing land uses.

Is the development located in areas of stable environmental resources?

This property is partially wooded with moderate slopes adjacent to the creek that runs through the southern portion of the land. The rest of the property is level to slightly rolling and cultivated with row crops.



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

The adjacent land uses are either residential or agricultural. It would appear that there is little need to buffer the future development of this property from any adjacent properties.

Can it be shown there is 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.

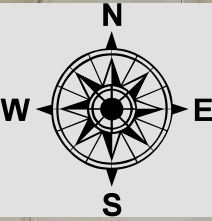
Staff would note that approval of this rezoning does not, in and of itself, allow for any development of this property. However it does indicate that a future application is more likely to be favorably considered than if this request is not approved. It was perhaps an oversight in 1981 when the current Zoning Ordinance and Map were established that all the property south of I-80 in this area was not zoned either R-1 or A-G. Furthermore, it is staff's opinion that approval of this request does not limit in any way Scott County's ability to encourage or require the appropriate annexation to occur prior to any development.

Staff has mailed notification to 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 and Zoning Commission. Staff has not, as of yet, received any calls or comments on this request.

RECOMMENDATION: Staff recommends that the rezoning of this property from Agricultural-Preservation (A-P) to Agricultural-General (A-G) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Staff also recommends that the request to amend the Future Land Use Map to show this area as appropriate future residential development be approved.

Submitted by:
Timothy Huey, Director
August 14, 2014

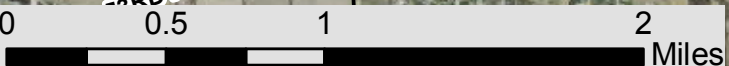


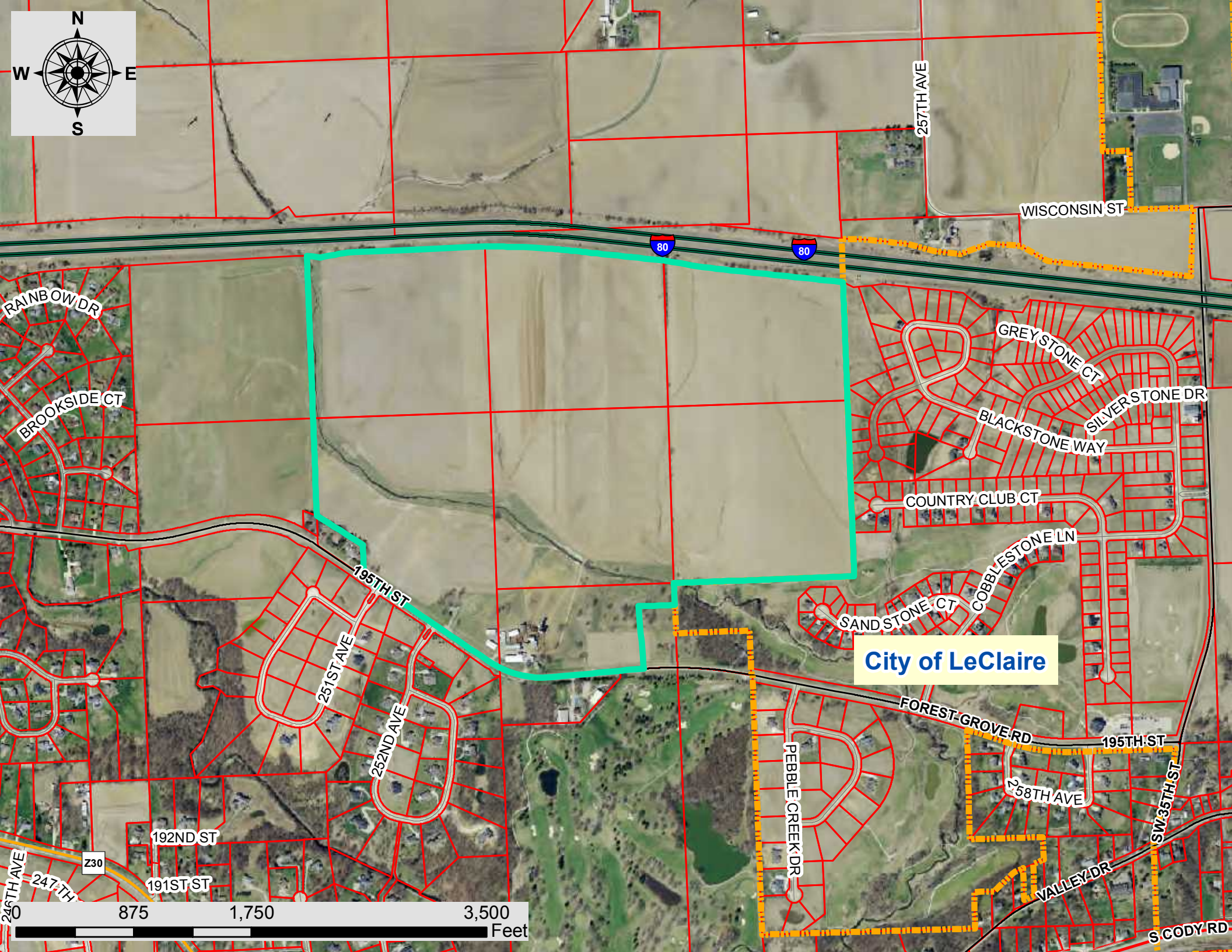
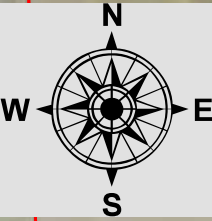
**Proposed Rezoning Site
(Approx. 240 Acres)**

Bettendorf

Pleasant Valley

LeClaire





257TH AVE

WISCONSIN ST



RAINBOW DR

BROOKSIDE CT

GREYSTONE CT

SILVERSTONE DR

BLACKSTONE WAY

COUNTRY CLUB CT

COBBLESTONE LN

SANDSTONE CT

City of LeClaire

195TH ST

251ST AVE

252ND AVE

FOREST GROVE RD

195TH ST

S 58TH AVE

PEBBLE CREEK DR

SW 35TH ST

VALLEY DR

SCODY RD

192ND ST

191ST ST

246TH AVE

247TH

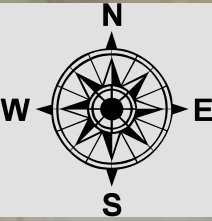
Z30

875

1,750

3,500

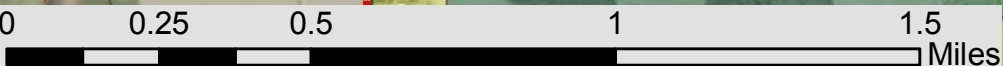
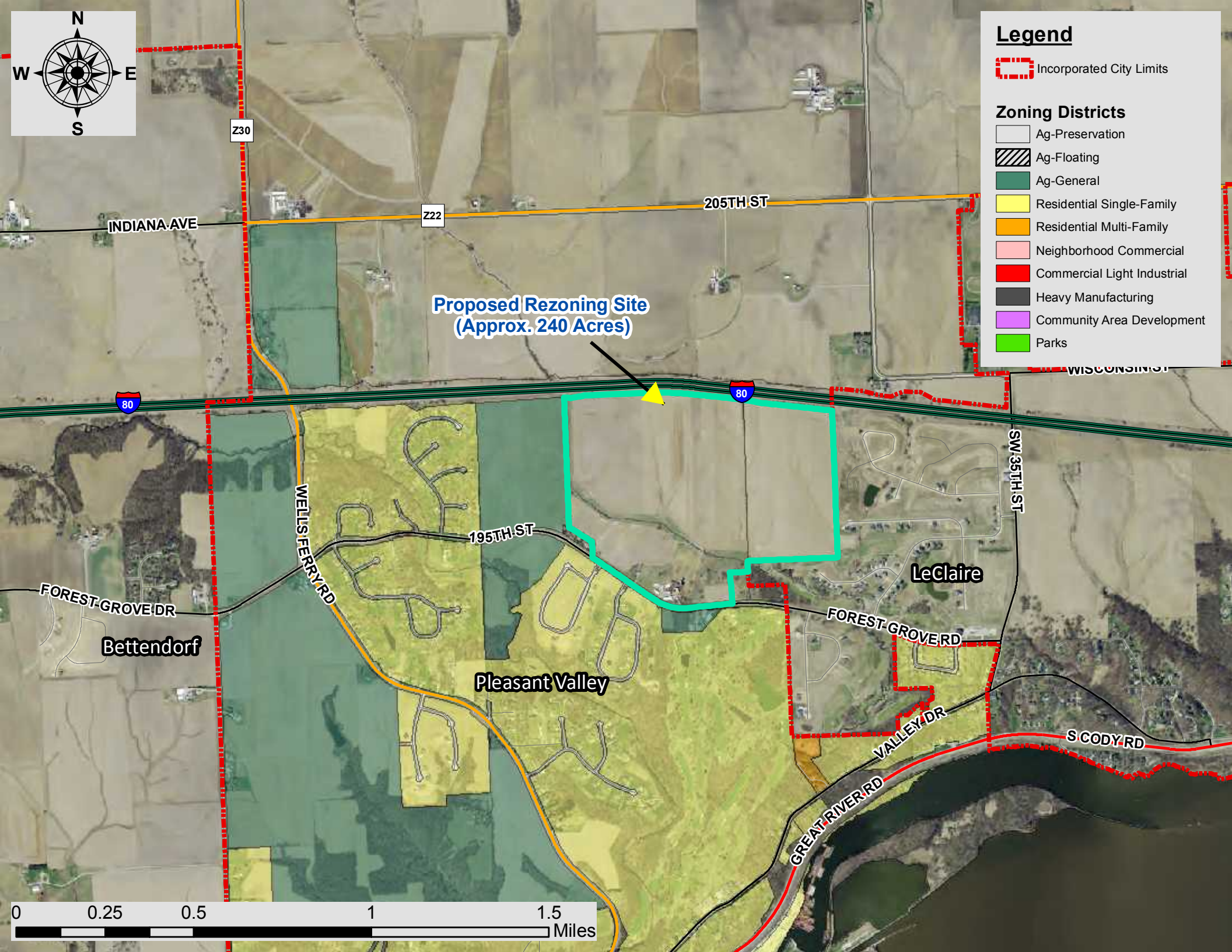
Feet



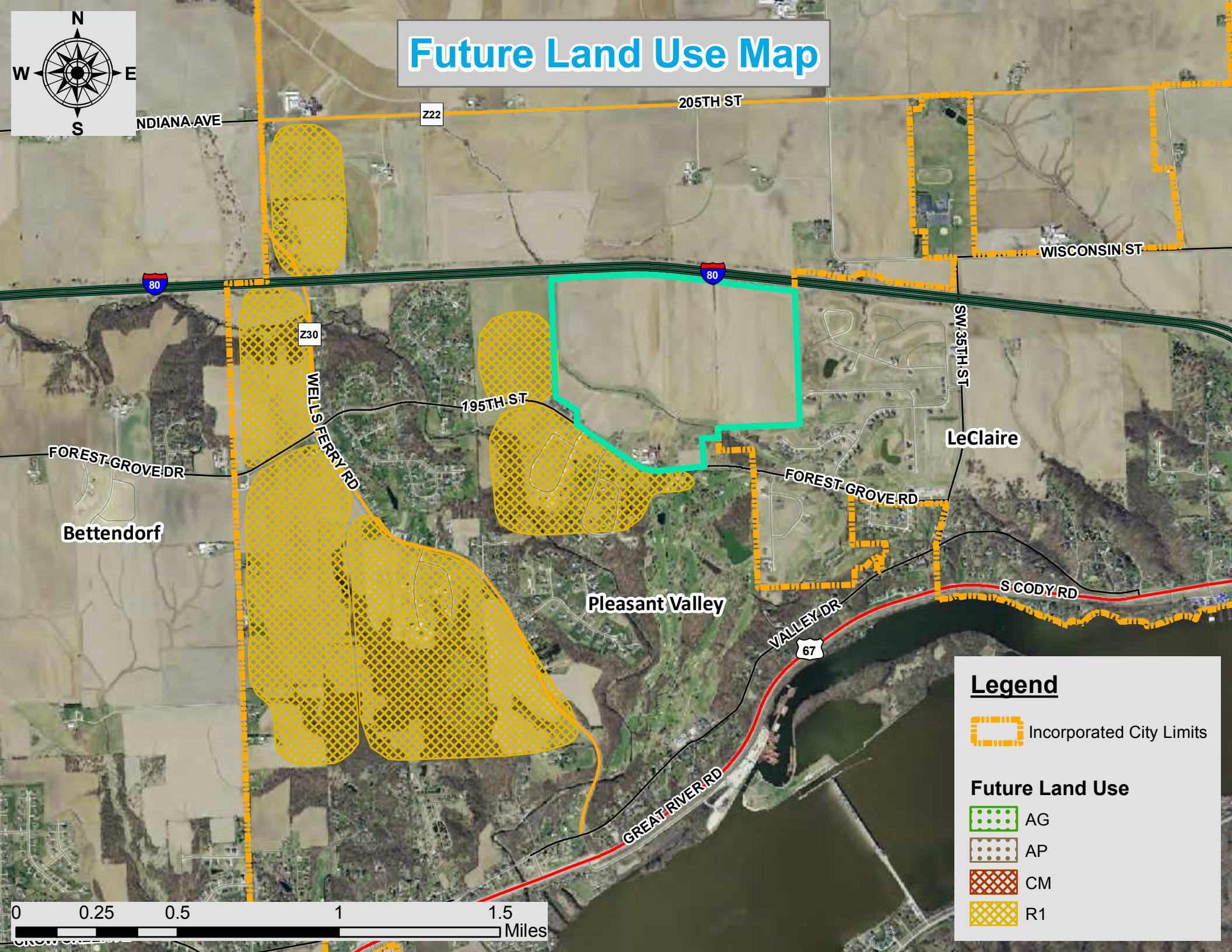
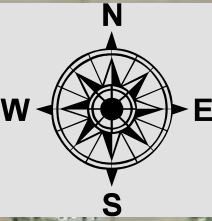
Legend

- Incorporated City Limits
- Zoning Districts**
 - Ag-Preservation
 - Ag-Floating
 - Ag-General
 - Residential Single-Family
 - Residential Multi-Family
 - Neighborhood Commercial
 - Commercial Light Industrial
 - Heavy Manufacturing
 - Community Area Development
 - Parks






**Proposed Rezoning Site
(Approx. 240 Acres)**

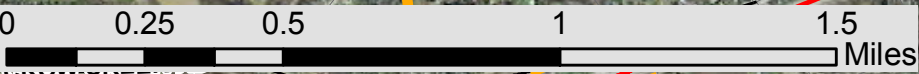


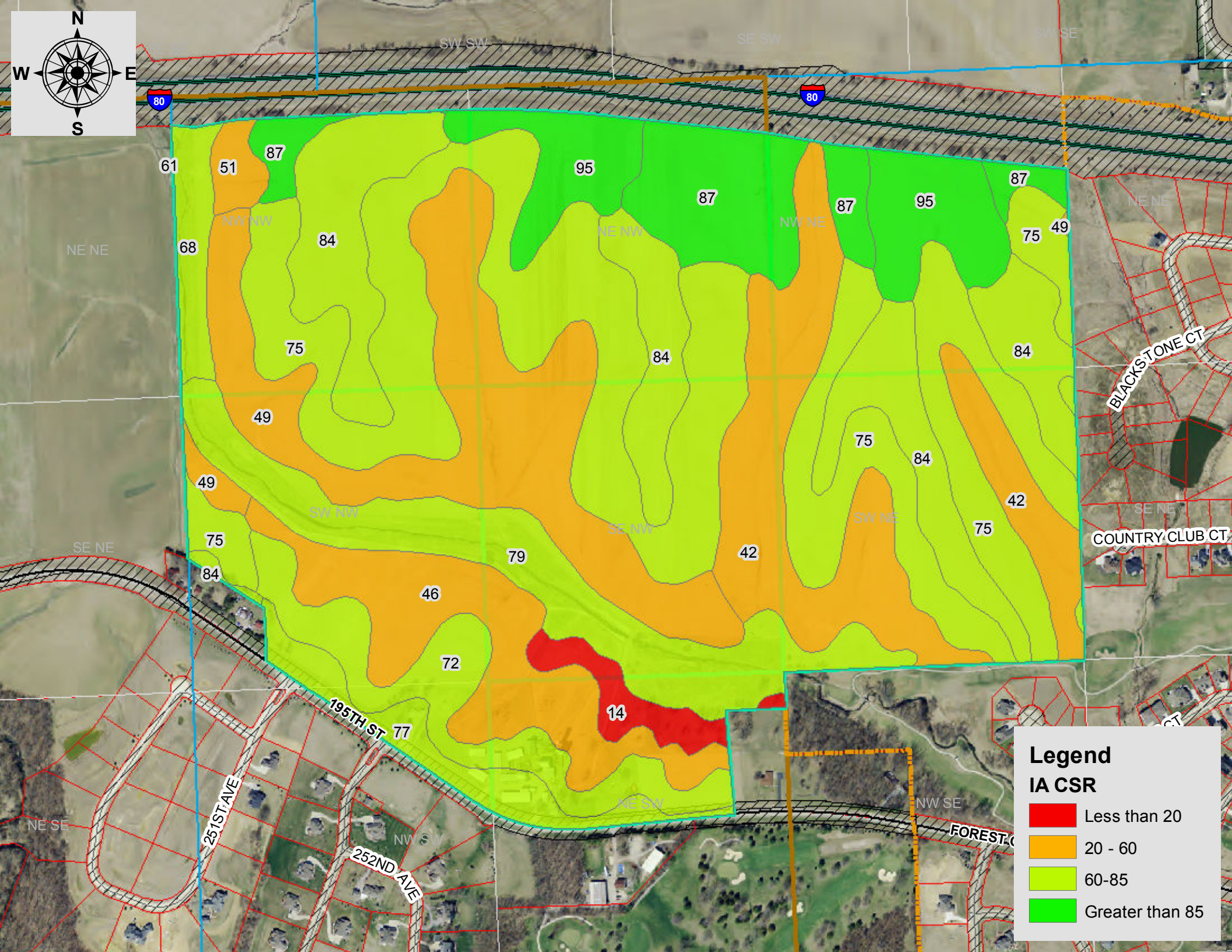
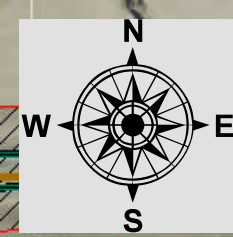
Future Land Use Map






Legend

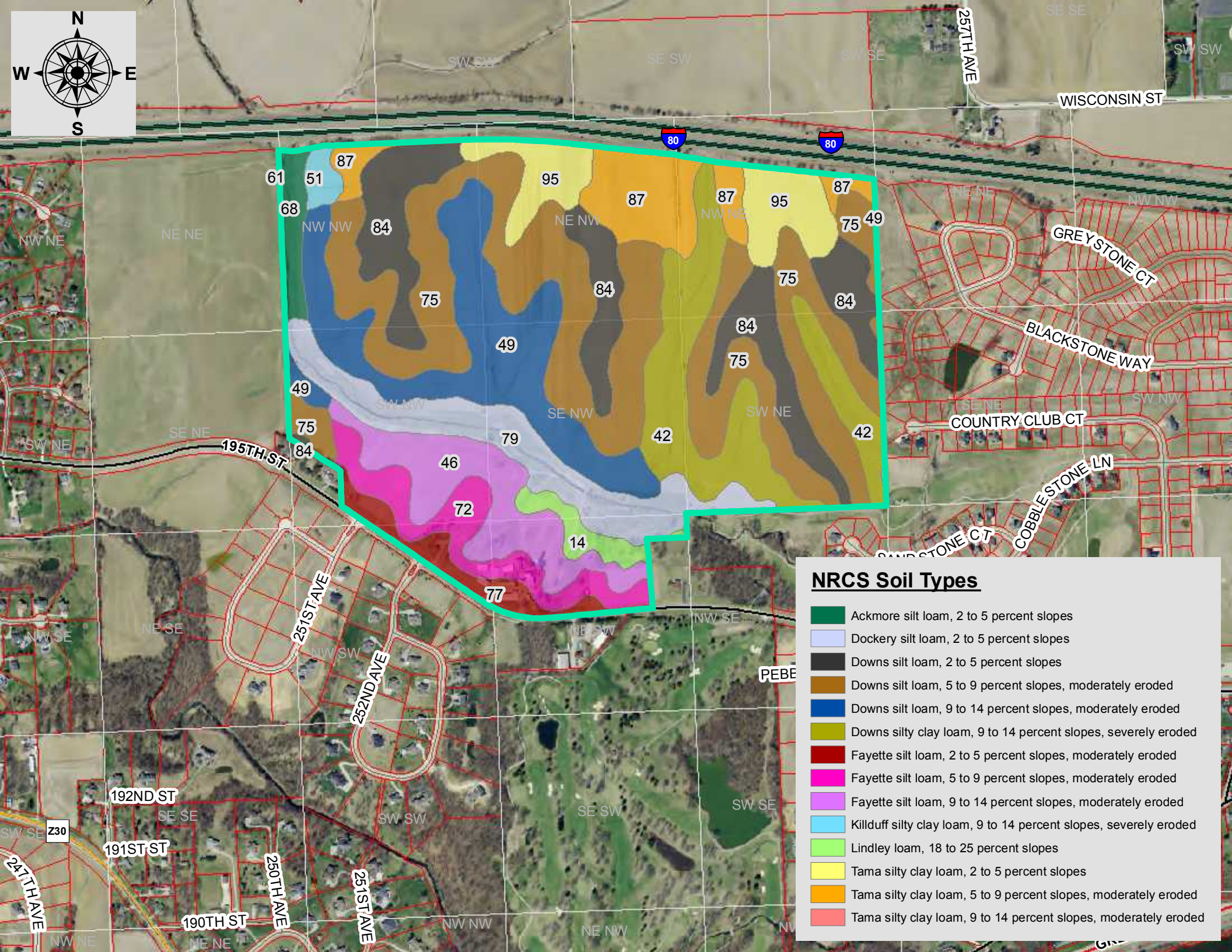
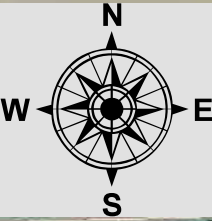
-  Incorporated City Limits
- Future Land Use**
-  AG
-  AP
-  CM
-  R1





Legend
IA CSR

	Less than 20
	20 - 60
	60-85
	Greater than 85



NRCS Soil Types

- Ackmore silt loam, 2 to 5 percent slopes
- Dockery silt loam, 2 to 5 percent slopes
- Downs silt loam, 2 to 5 percent slopes
- Downs silt loam, 5 to 9 percent slopes, moderately eroded
- Downs silt loam, 9 to 14 percent slopes, moderately eroded
- Downs silty clay loam, 9 to 14 percent slopes, severely eroded
- Fayette silt loam, 2 to 5 percent slopes, moderately eroded
- Fayette silt loam, 5 to 9 percent slopes, moderately eroded
- Fayette silt loam, 9 to 14 percent slopes, moderately eroded
- Killduff silty clay loam, 9 to 14 percent slopes, severely eroded
- Lindley loam, 18 to 25 percent slopes
- Tama silty clay loam, 2 to 5 percent slopes
- Tama silty clay loam, 5 to 9 percent slopes, moderately eroded
- Tama silty clay loam, 9 to 14 percent slopes, moderately eroded

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Timothy Huey
Director

September 3, 2014

**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, September 11, 2014 at 5:00 P.M.** in the Board Room of the County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801.

The Board of Supervisors will consider the request of **4RC Farms, LLC** to rezone 240 acres, more or less, from Agricultural-Preservation (A-P) to Agricultural-General (A-G), and update the Future Land Use Map to a residential designation for the same 240 acres. The property is located between the westernmost boundary of the City of LeClaire and just over one (1) mile east of the City of Bettendorf corporate limits, bounded by Interstate 80 to the north and Forest Grove Road / 195th Street to the south. The property is legally described as Part of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 5 in LeClaire Township; Part of the NW $\frac{1}{4}$, and Part of the N $\frac{1}{2}$ N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 5 in Pleasant Valley Township.

The Scott County Planning & Zoning Commission considered this request at a regular meeting on Tuesday, August 19, 2014. Following a public hearing, the Commission voted (4-3) to recommend denial of the request. The applicant has forwarded this recommendation to the Board of Supervisors for their consideration. The Board makes the final determination on rezoning requests, following a public hearing.

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