

**PLANNING & DEVELOPMENT**

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Timothy Huey  
Director

To: Dee Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: January 5, 2015

**Re: Approval the second and final reading of an ordinance rezoning 16 acres, more or less, from Agricultural-General (A-G) to Single-Family Residential (R-1) of a 24 acre parcel located at 13415 100<sup>th</sup> Avenue and legally described as Outlot 1 within J.W. Holmes 1<sup>st</sup> Subdivision in part of the NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 2, Buffalo Township.**

Following the public hearing held on December 18 and approval of the first reading on December 30, the Board can consider approval of the second and final reading of the ordinance to rezone 16 acres, more or less, from Agricultural-General (A-G) to Single-Family Residential (R-1). 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. The parcel was determined to have poor to marginal soils, it had access and frontage on a hardsurfaced county maintained road, and it was adjacent to other property that was zoned R-1. Additionally the property is currently zoned A-G, the designated holding zone until appropriate development is proposed and is shown on the Future Land Use Map as an area appropriate for residential development.

The western approximately 8 acres of the property is already zoned R-1. Approval of this request would bring the entire property under R-1 zoning, and allow the applicant to remove the existing house and construct a new one further east on the currently A-G zoned portion of the property.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the request to rezone 16 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.



PLANNING & ZONING COMMISSION  
STAFF REPORT  
December 2, 2014



- Applicant:** Sam Foley
- Request:** Rezone 16 acres, more or less, from Agricultural-General (A-G) to Single-Family Residential (R-1).
- Legal Description:** Lot 1 in J.W. Holmes 1<sup>st</sup> Subdivision, Part of the NW¼ SW¼ of Section 2, Buffalo Township.
- General Location:** 13415 100<sup>th</sup> Avenue.
- Zoning:** Part Single-Family Residential (R-1) and part Agricultural-General (A-G)
- Surrounding Zoning:**
- North:** Single-Family Residential (R-1)
  - South:** Single-Family Residential (R-1)
  - East:** Agricultural-General (A-G)
  - West:** Single-Family Residential (R-1)

**GENERAL COMMENTS:** The applicant is requesting to rezone the eastern approximately 16 acres of a 24 acre tract from A-G to R-1. The western approximately 8 acres of the property is already zoned R-1. Approval of this request would bring the entire property under R-1 zoning, and allow the applicant to remove the existing house and construct a new one further east on the currently A-G zoned portion of the property. Prior to the County's adoption of its most recent Zoning Ordinance in 1981 properties in this area were zoned rural residential. In 1981 the County's R-1 district replaced the previous rural residential districts. In this area of Buffalo Township properties were designated as R-1 zoning for the first 550 feet east of the 100<sup>th</sup> Avenue centerline. For this reason a handful of properties, including the applicant's, are covered by two different zoning districts (R-1 and A-G). The majority of residences in this area are located close to the road on relatively small parcels of land. In 1981 the effort was made to capture these existing rural residences with R-1 zoning, while also preserving adjacent farmland with Ag zoning. It was likely this rationale that lead to R-1 zoning only being extended back 550 feet east of the road in this area.

**STAFF REVIEW:** Staff has reviewed this request for compliance with the Scott County Zoning Ordinance and Land Use Policies. Any proposed changes in land use and zoning should comply with a preponderance of the applicable 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. It is the



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intent of the Single-Family Residential (R-1) District to provide for the development of both low and medium density single-family subdivisions in the rural areas. Furthermore, the Zoning Ordinance general intent for the R-1 District states that any land rezoned to R-1 shall be located on adequately constructed and paved County/State roads.

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

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

The Future Land Use Map indicates this area as appropriate for future 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 was notified of this request, and had no comments. 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, and clay soil types including: Downs silt loam, Lindley loam, Timula silt loam, Nodaway-Perks complex, and Fayette silty clay loam. The soils have varying degrees of slope and erosion. The weighted average CSR of the 16 acres to be rezoned from A-G to R-1 is 34.45. The only soil type which exceeds 60 CSR is a 2.19 acre piece of Downs silt loam which has a CSR of 79, but only makes up approximately 14% of the total area to be rezoned.

*Is there access to adequately constructed paved roads?*

The property has frontage and access to 100<sup>th</sup> Avenue, a paved, two-lane County maintained road. There is an existing driveway entrance on the property.

*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.

The property is an established lot of record, and retains a development right on the portion zoned R-1. The health department was notified of this request, and had no concerns. Absent the availability of public water and sewer, private water and wastewater systems will be required.



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

Portions of the property are adjacent to existing Ag operations to the north, south, and east. Also, part of the eastern portion of the property is itself currently in Ag production.

*Is the development located in areas of stable environmental resources?*

The eastern portion to be rezoned includes partially wooded areas with moderate slopes on either side of a section of flat tilled farm ground which is currently in production. The wooded area in the northeastern portion of the property slopes toward a small creek/drainage basin that cuts across the extreme northeastern tip of the property.

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

The adjacent land uses are either low density residential or agricultural. The size and location of the property presents little or no need for buffering.

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

The adopted land use policies recognize that there is a need for providing opportunities for a variety of housing types in Scott County. As stated previously, this is an established lot of record which already contains a development right on its residentially zoned portion.

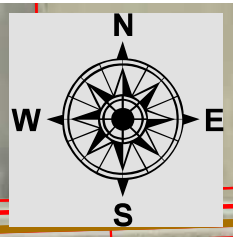
Staff has mailed notification of this public hearing to the adjacent property owners within five hundred feet (500') of this property. A sign has also been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission. Staff has not, at the time of this report, received any calls or comments on this request. Staff also notified the County Engineer, County Health Department, Scott County soil conservationist, Bi-State Regional Commission, and the cities of Davenport and Buffalo (because this is within 2 miles of their corporate limits) for review and comment. Bi-State submitted written comments reviewing the application and stating its consistency with the Comprehensive Plan. No one else notified has submitted comments at this time.

**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:

Brian McDonough  
Planning & Development Specialist  
November 25, 2014

# Foley Rezoning A-G to R-1: Future Land Use Map

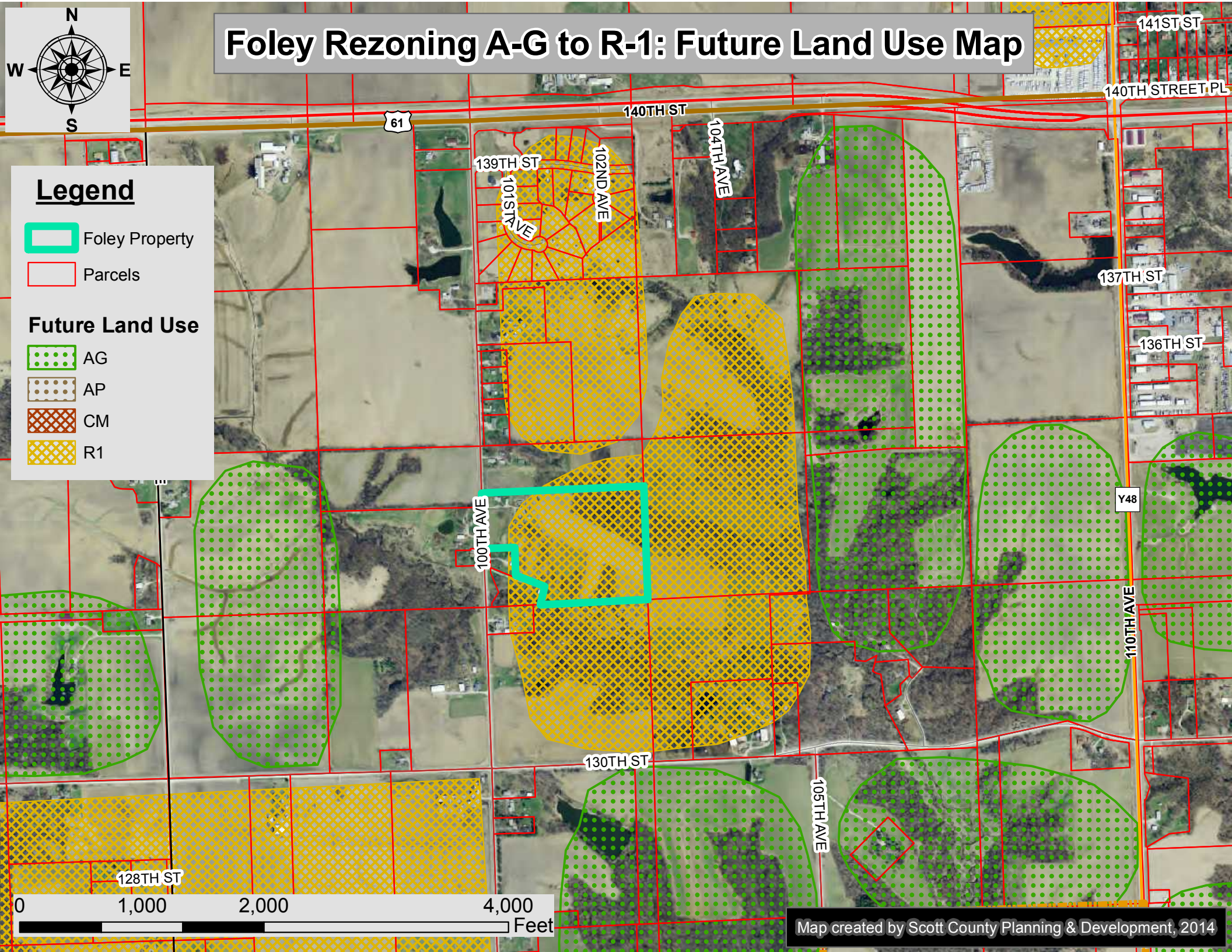


**Legend**

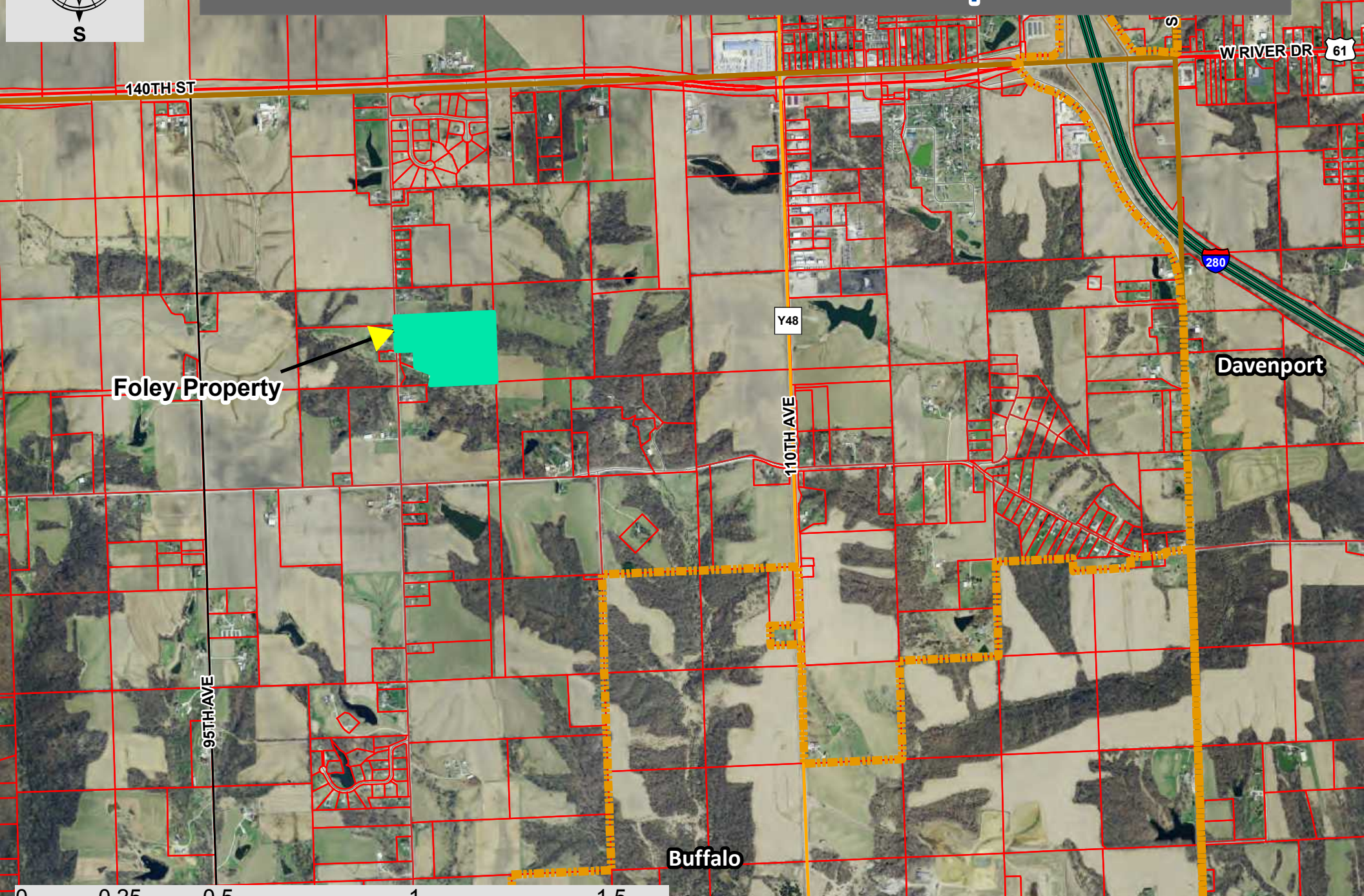
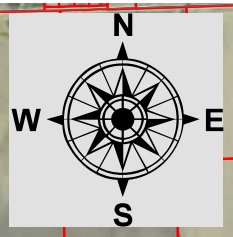
- Foley Property
- Parcels

**Future Land Use**

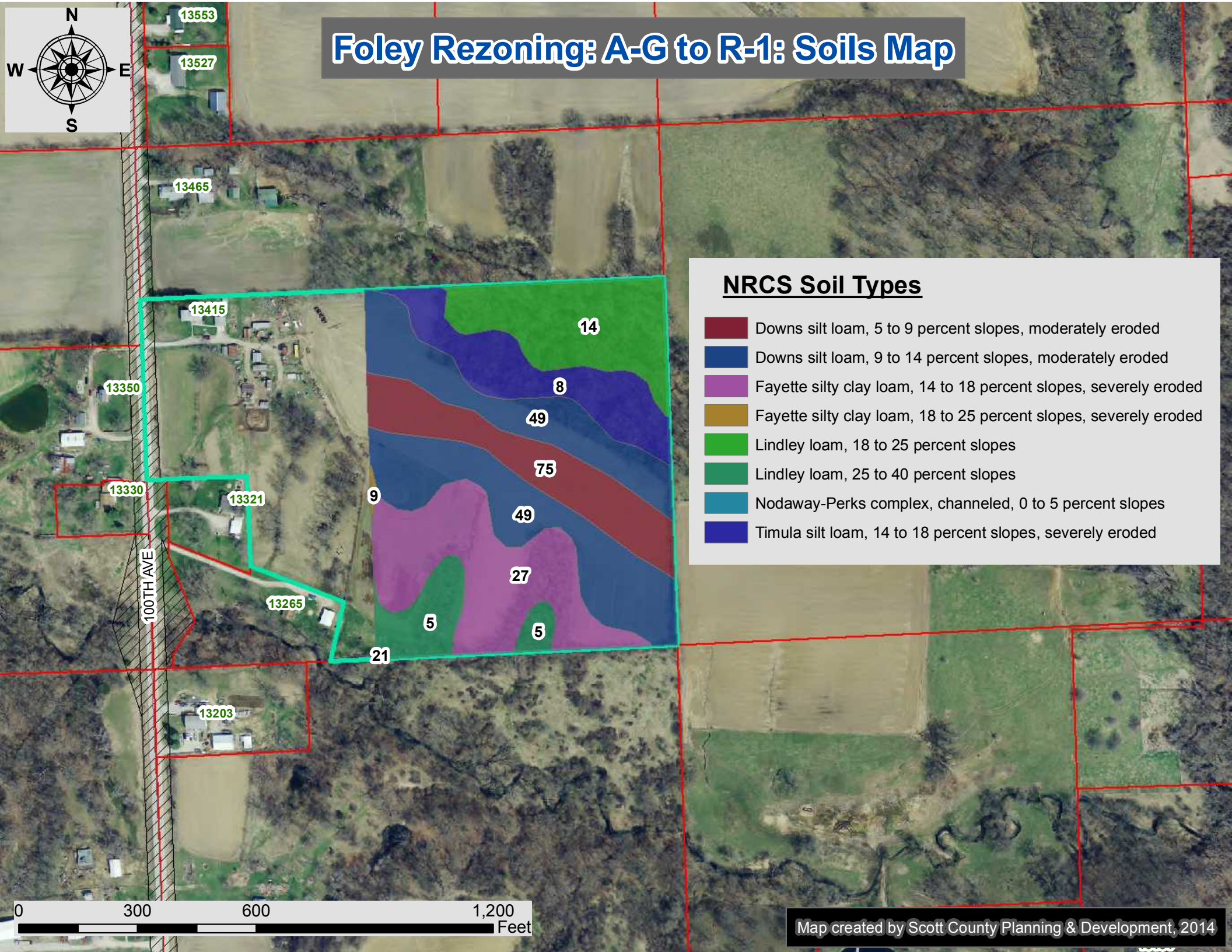
- AG
- AP
- CM
- R1



# Foley Rezoning A-G to R-1, J.W. Holmes 1st Subdivision, Outlot 1 Section 2 of Buffalo Township



# Foley Rezoning: A-G to R-1: Soils Map

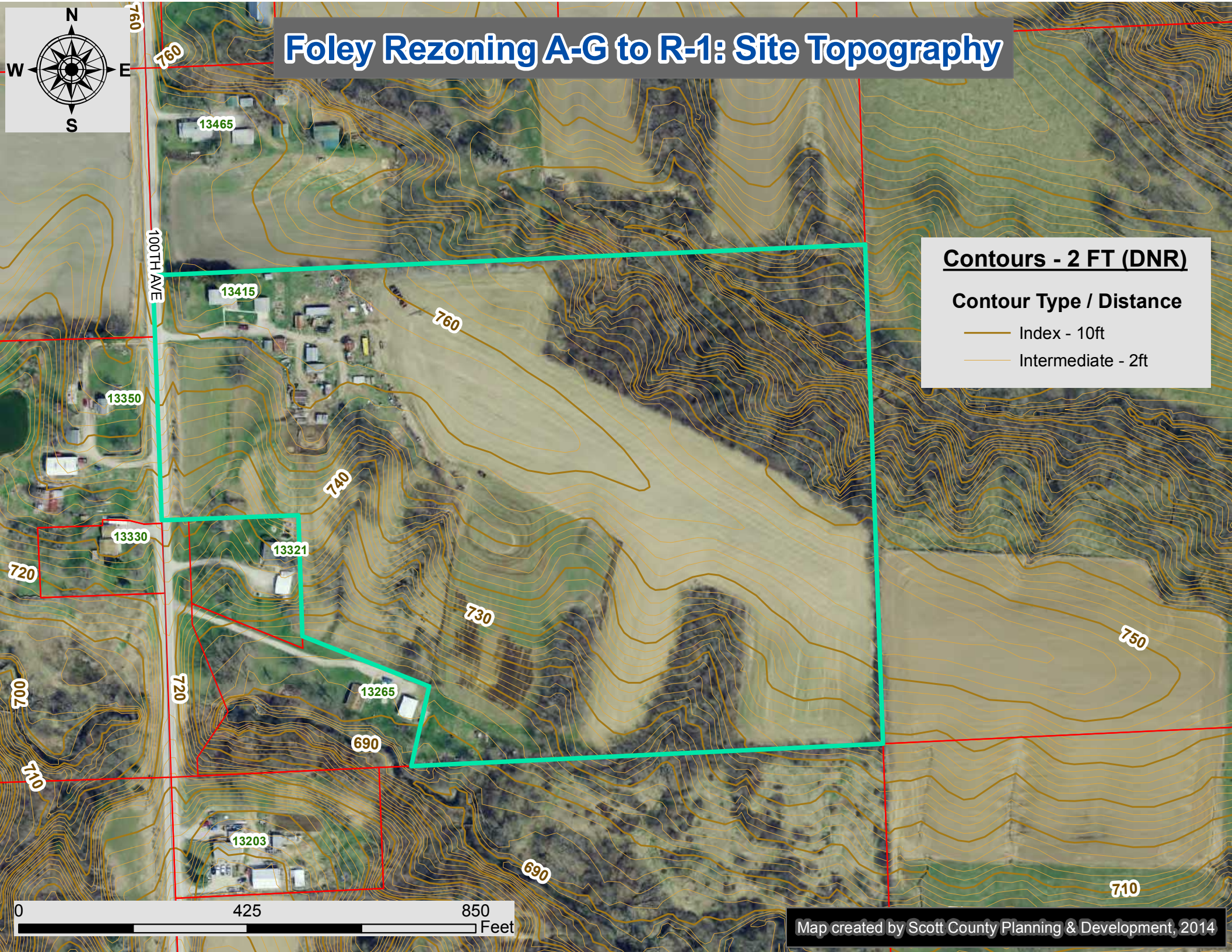


## NRCS Soil Types

- Downs silt loam, 5 to 9 percent slopes, moderately eroded
- Downs silt loam, 9 to 14 percent slopes, moderately eroded
- Fayette silty clay loam, 14 to 18 percent slopes, severely eroded
- Fayette silty clay loam, 18 to 25 percent slopes, severely eroded
- Lindley loam, 18 to 25 percent slopes
- Lindley loam, 25 to 40 percent slopes
- Nodaway-Perks complex, channeled, 0 to 5 percent slopes
- Timula silt loam, 14 to 18 percent slopes, severely eroded

0 300 600 1,200 Feet

# Foley Rezoning A-G to R-1: Site Topography



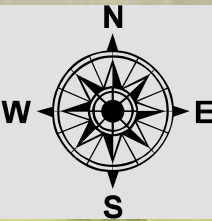
**Contours - 2 FT (DNR)**

**Contour Type / Distance**

- Index - 10ft
- Intermediate - 2ft

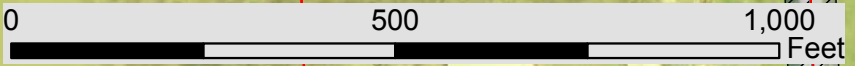
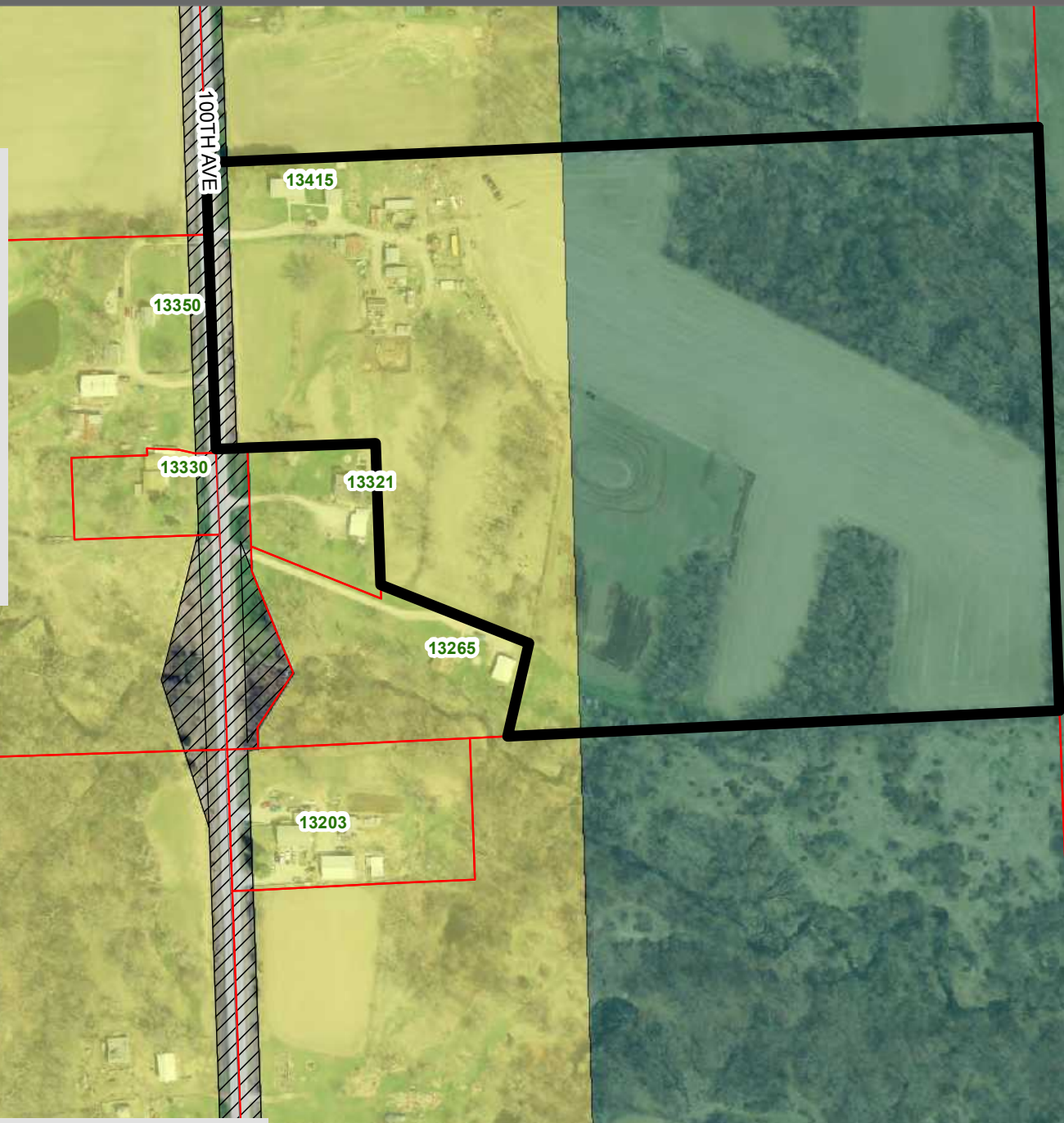


# Foley Rezoning A-G to R-1, J.W. Holmes 1st Subdivision, Outlot 1 Section 2 of Buffalo Township



## Legend

- Foley Property
- Parcels
- Right-of-Way**
  - Road
- Zoning Districts**
  - Ag-General
  - Residential Single-Family



SCOTT COUNTY ORDINANCE NO. 15 - \_\_\_\_\_

AN ORDINANCE TO AMEND THE SCOTT COUNTY OFFICIAL ZONING MAP BY REZONING THE EASTERLY 16 ACRES, MORE OR LESS, OF OUTLOT 1 OF J.W. HOLMES 1<sup>ST</sup> SUBDIVISION, BEING PART OF THE NW¼ SW¼ OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 2 EAST OF THE 5<sup>TH</sup> P.M. (BUFFALO TOWNSHIP) FROM "A-G" AGRICULTURAL GENERAL DISTRICT TO "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT IN UNINCORPORATED SCOTT COUNTY.

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

**Section 1.** In accordance with Section 6-31 Scott County Code, the easterly 16 acres, more or less, of Outlot 1 of J.W. Holmes 1<sup>st</sup> Subdivision, being Part of the NW¼ of the SW¼ of Section 2 in Buffalo Township is hereby rezoned from "A-G" Agricultural General District to "R-1" Single-Family Residential District.

**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 the 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 \_\_\_\_\_, 2015

\_\_\_\_\_  
Tom Sunderbruch, Chair  
Scott County Board of Supervisors

\_\_\_\_\_  
Roxanna Moritz, Scott County Auditor