

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: July 15, 2016

Re: Public Hearing on proposed Zoning Ordinance Text Amendment to Section 6-15.D of the Scott County Zoning Ordinance the Special Permitted Use regulations of the Community Area Development Park View Commercial "CAD-PVC".

The Planning Commission held a public hearing on the proposed zoning text amendment submitted by Patrick and Lora Dierickx for an amendment to the Special Permitted Use regulations of the Community Area Development Park View Commercial "CAD-PVC" District outlined in Section 6-15D of the Scott County Zoning Ordinance. The applicants intend to establish a single-family residence in an unoccupied church located at 11 Grove Road, being legally described as Lot 106 Park View 1st Addition, Section 31 of Butler Township. The property is currently zoned CAD-PVC, which does not allow single-family dwellings as a Principal or Special Permitted Use. The amendment would allow single-family dwellings as Special Permitted Uses in CAD-PVC.

The Commission unanimously (6-0) approved this request in accordance with staff's recommendation. The applicants were present to answer questions from the Commission. No other members of the public attended.

Copies of the Staff memo and presentation to the Planning Commission is also attached.



PLANNING & ZONING COMMISSION

STAFF REPORT

July 5, 2016



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- Applicants:** Patrick and Lora Dierickx
- Request:** An amendment to the Special Permitted Use regulations of the Community Area Development Park View Commercial “CAD-PVC” District outlined in Section 6-15D of the Scott County Zoning Ordinance to allow single-family residences within the district as Special Permitted Uses.
- Legal Description:** Lot 106, Park View 1st Addition, Section 31 of Butler Township
- General Location:** 11 Grove Road, Park View (current address)
- Existing Zoning:** Community Area Development Park View Commercial (CAD-PVC)
- Surrounding Zoning:**
- North:** Community Area Development Park View Commercial (CAD-PVC)
 - South:** Community Area Development Park View Commercial (CAD-PVC)
 - East:** Community Area Development Residential (CAD-R)
 - West:** Agricultural General (A-G)

GENERAL COMMENTS: The Scott County Zoning Ordinance (6-31B) states that any zoning text or map amendment of the Zoning Ordinance be reviewed by the Planning and Zoning Commission for compliance with the Land Use Policies of the 2008 Comprehensive Plan of Scott County.

The applicants intend to establish a single-family residence in an unoccupied church located at 11 Grove Road, being legally described as Lot 106 Park View 1st Addition, Section 31 of Butler Township. The property is currently zoned CAD-PVC, which does not allow single-family residences as a Principal or Special Permitted Use.

The applicants do not intend to change the footprint of the existing building. The property is served by Park View central water and sewer treatment district.

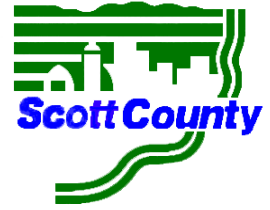
HISTORICAL CONTEXT: The Community Area Development (CAD) known as Park View in Section 31 of Butler Township was established and unified under the Park View Owners’ Association in 1966. It was approved with a Land Use Master Plan under the Scott County Zoning Ordinance in effect at that time. In 1981, the Revised Zoning Ordinance that was adopted removed the provision that allowed the creation of any additional mixed use developments but did provide provisions for amending the two existing CADs including Park View. In 1991, at the request of the Park View Owners Association, regulations for a Commercial Park View District were adopted, which included specific list of permitted uses and the “General Intent” section of those district



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regulations included the statement “this district is not intended for light industrial or residential uses”.

The property in question is within a commercial district labeled “Office Center” on the original Park View land use map, which is defined CAD-PVC on the current County zoning map. While there were three other locations on the original Park View Master Plan that provided spaces for churches to be established, a church was erected on the property in 1988 and continued as a legal non-conforming (grandfathered) use after the 1991 amendments.

STAFF REVIEW: Church services have since been discontinued and the unoccupied property was purchased by the applicants in early 2016. The applicants intend to remodel the building to establish a single-family residence, which is not allowed as a Principal or Special Permitted Use in the CAD-PVC district. As such, the applicants are requesting an amendment to the Special Permitted Use regulations of the Community Area CAD-PVC District outlined in Section 6-15D of the Zoning Ordinance to allow single-family residences within the district as Special Permitted Use:

Existing: D. Special Permitted Uses: None.
Proposed: D. Special Permitted Uses: Single-family dwellings.

It should be noted that, under current zoning regulations, religious institutions are not allowed as Principal or Special Permitted Uses in the CAD-PVC district either, so any petition to re-occupy the site as a religious institution would also require amending the zoning regulations, and a request to do so would be difficult to deny: It can be reasonably assumed that the re-occupation of the site as a church would generate the same amount of noise and vehicular and pedestrian traffic as when it was a church before, so the intensity of the land use would not be amplified or diminished. In light of this request, it can also be reasonably assumed that re-occupation of the site as a single-family dwelling would generate considerably less noise and vehicular and pedestrian traffic, and thus have less of an impact on surrounding properties than most other land uses. While it certainly does not seem appropriate to amend the Principal Permitted Uses of the CAD-PVC district to allow for single-family dwellings since the intent of the district is for commercial use, amending the Special Permitted Uses would allow for controlled conversions of appropriate CAD-PVC properties to single-family dwellings.

Should the Commission recommend the zoning text amendment to allow for single-family dwellings as Special Permitted Uses in CAD-PVC, the application will be heard by the Scott County Board of Supervisors for final action. Should the zoning text be amended, the applicants would be required to apply for and obtain a Special Use Permit through the Scott County Zoning Board of Adjustment before occupying the building.



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The adjacent neighboring property owners have been notified of the request, and the Park View Owner's Association was contacted via postal mail and telephone for comments. Staff has not, as of yet, received any calls or comments.

RECOMMENDATION: Staff recommends an amendment to the Special Permitted Use regulations of the Community Area Development Park View Commercial "CAD-PVC" District outlined in Section 6-15D of the Scott County Zoning Ordinance to allow single-family residences within the district as Special Permitted Use.

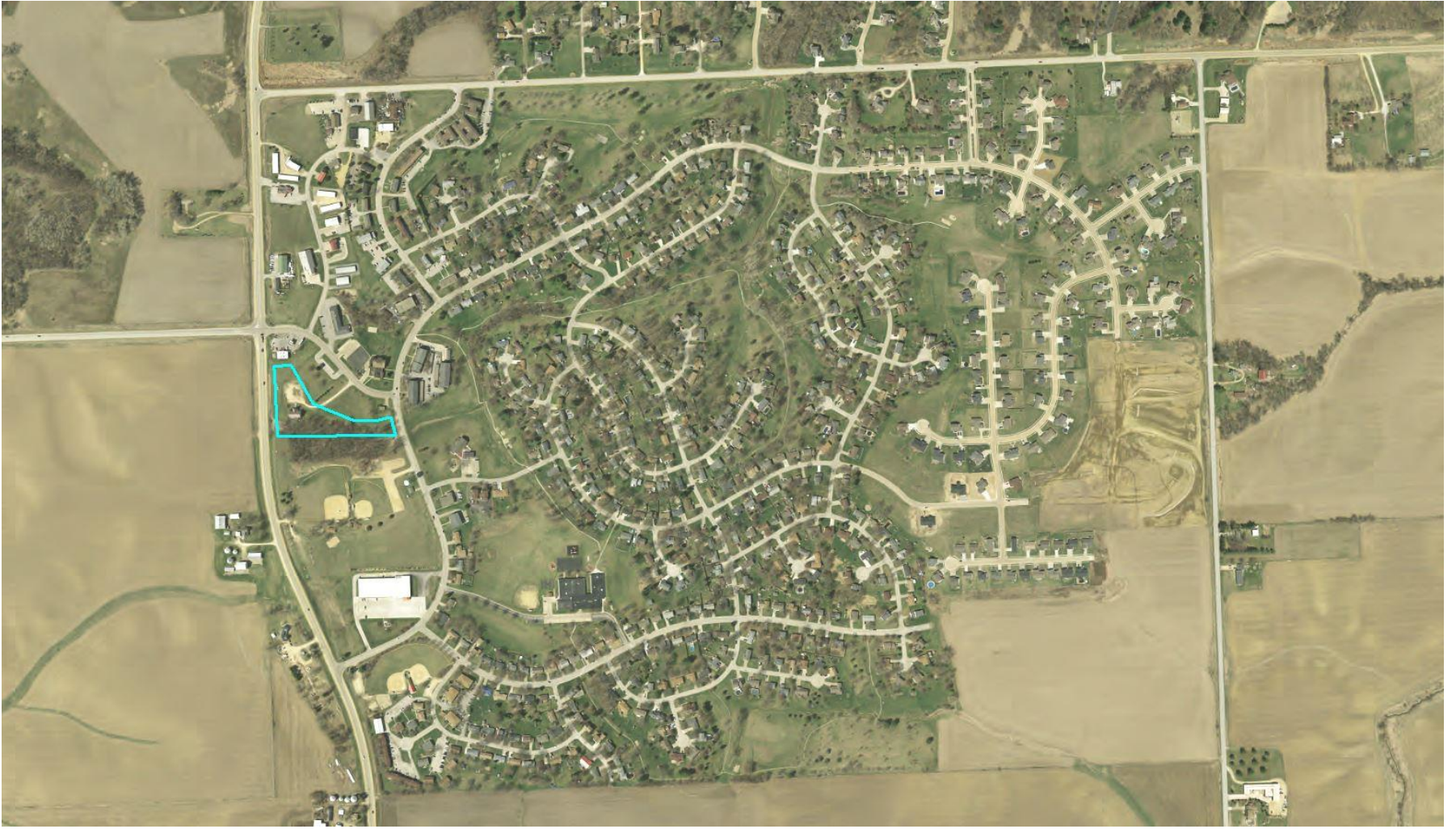
Submitted by:
Timothy Huey, Director
June 29, 2016

Ordinance Text Amendment

SUMMARY

- ▶ Applicants: Patrick and Lora Dierickx
- ▶ Request: An amendment to the Special Permitted Use regulations of the Community Area Development Park View Commercial “CAD-PVC” District outlined in Section 6-15D of the Scott County Zoning Ordinance
- ▶ The applicants intend to establish a single-family residence in an unoccupied church located at 11 Grove Road in Park View



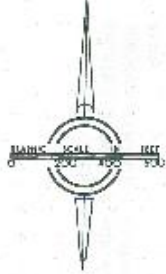


Historical Context: Park View

- ▶ Established in 1966 with a Land Use Master Plan (next slide) under the Zoning Ordinance in effect at the time
- ▶ Revised Zoning Ordinance adopted in 1981, which provided provisions for amending CADs including Park View
- ▶ Commercial Park View District regulations adopted in 1991, which included the statement, “This district is not intended for light industrial or residential uses.”

PARK VIEW

SCOTT COUNTY IOWA



TO LONG GROVE

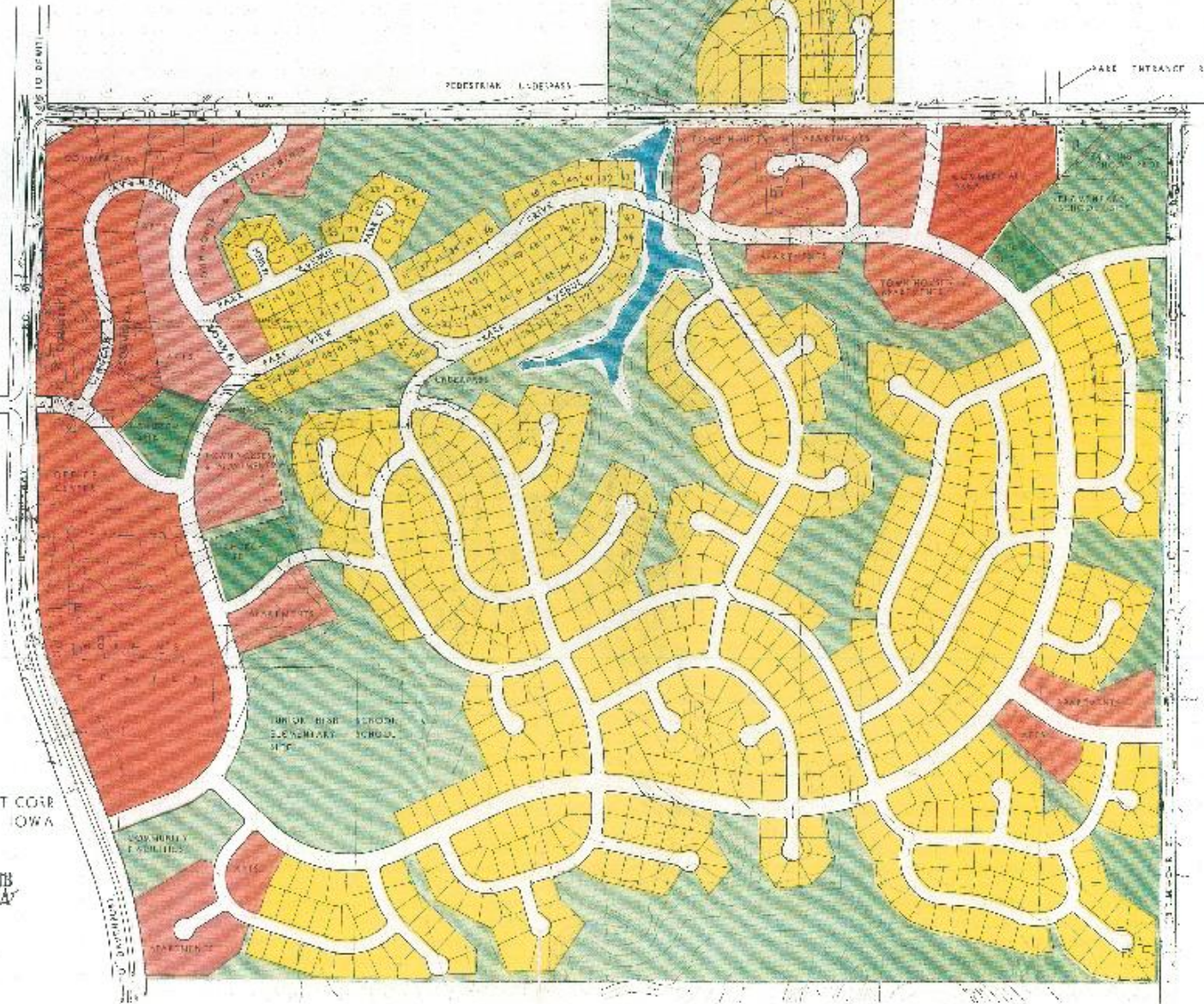
PEDESTRIAN WALKWAY

PAVE THROUGH

PREPARED FOR
PARK VIEW DEVELOPMENT CORP
DAVENPORT IOWA

PREPARED BY:

ANDREAS BRUNO LUDWIG AND ASSOCIATES
CIVIL ENGINEERS, ARCHITECTS, LANDSCAPE ARCHITECTS
DAVENPORT, IOWA



Historical Context Continued

- ▶ **Church erected at 11 Grove Road in 1988 and continued as a legal non-conforming (grandfathered) use after the 1991 amendments, which did not allow religious institutions in Commercial Park View District as Principal OR Special Permitted Uses**
 - ▶ **Current regulations for CAD-PVC do not either per Section 6-15D:**

Zoning Ordinance Section 6-15D

- C. Accessory Permitted Uses: Accessory uses customarily incidental to any allowed use within the district.
- D. Special Permitted Uses: None.
- E. Minimum Lot Area, Lot Width, Setback, & Maximum Height Requirements

Requested Action: Repeal Section 6-15D and Replace

<i>Existing:</i>	D.	Special Permitted Uses: None.
<i>Proposed:</i>	D.	Special Permitted Uses: Single-family dwellings.

Findings

Unoccupied Church > Operational Church

- Would still require an amendment to allow religious institutions as a Principal or Special Permitted Use
- Would maintain land use intensity – Same impact on surrounding properties

Unoccupied Church > Single-family Dwelling

- Requires amendment
- Land use intensity would be diminished – Less impact on surrounding properties than previous use

Recommendation

Repeal and Replace Section 6-15D

Existing: D. Special Permitted Uses: None.

Proposed: D. Special Permitted Uses: Single-family dwellings.

- Favorable recommendation would be heard before the Board of Supervisors for final action
- If approved, applicants would then apply for a Special Use Permit through the Zoning Board of Adjustment