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Administrative Center  
600 West Fourth Street  
Davenport, Iowa 52801-1106

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: September 22, 2017

Re: **Public Hearing on the application of Point Properties LLC to rezone property at 15720 110th Street, Scott County Parcel #822623006, a 2.23-acre tract more or less, from “Residential Single-Family (R-1)” to “Commercial-Light Industrial (C-2),” legally described as Part of the SE ¼ of the NE ¼ of Section 26, Blue Grass Township.**

This request is to rezone approximately 2.23 acres from Single-Family Residential (R-1) to Commercial-Light Industrial (C-2). The subject property adjoins the applicant’s existing business, Ryan & Associates, Inc., which has undergone multiple expansions over the years some that required Site Plan Reviews to be approved by the Planning and Zoning Commission. Rezoning of the subject property would be to allow an additional expansion of the existing business. The applicant stated that the house on the subject property would be demolished and the property would be used for outdoor materials and equipment storage for the existing business.

The Planning Commission determined that the request met a preponderance of the land use policies for approval of the rezoning of this property from R-1 to C-2. The Commission voted to recommend approval of the request in accordance with staff’s recommendation. David Oberbroekling (3702 Wisconsin Avenue, deed holder of Parcel #822623009, adjacent to subject property) and his spouse were in attendance out of curiosity, and stated their support for the proposal because the existing farmstead on the subject property was an eyesore. A representative for the applicant, Bob Madden, was also present.

**Vote (recommend approval of Rezoning request): 5-0, All Ayes**

## PLANNING & DEVELOPMENT

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Timothy Huey,  
Director

### NOTICE OF SCOTT COUNTY BOARD OF SUPERVISORS PUBLIC HEARING FOR REZONING

Public Notice is hereby given as required by Section 6-31 of the County Code (Revised Zoning Ordinance for Unincorporated Scott County), that the Scott County Board of Supervisors will hold a public hearing to consider a proposed rezoning on **Thursday, October 5, 2017 at 5:00 P.M.** The meeting will be held in the **1<sup>st</sup> Floor Board Room of the Scott County Administrative Center, 600 W. 4<sup>th</sup> Street, Davenport, Iowa 52801.**

The Board of Supervisors will consider the request of **Point Properties LLC** to rezone property at 15720 110<sup>th</sup> Street, Scott County Parcel #822623006, a 2.23-acre tract more or less, from "Residential Single-Family (R-1)" to "Commercial-Light Industrial (C-2)," legally described as Part of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 26, Township 78 North, Range 2 East of the 5<sup>th</sup> Principal Meridian (Blue Grass Township), more particularly described as follows: Commencing at the northeast corner of said NE  $\frac{1}{4}$  of Section 26; thence South 0°00'00" East along the east line of said NE  $\frac{1}{4}$ , a distance of 1334.61' to the northeast corner of said SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the point of beginning; thence continuing South along said line, a distance of 362.07'; thence South 87°08'00" West, a distance of 300.00'; thence North 0°00'00" East, a distance of 372.51' to the north line of said SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; thence North 89°07'39" East, a distance of 299.66' to the point of beginning. The applicant intends to create an outdoor materials and equipment storage area with fencing as part of an expansion of the existing adjacent business, which is a principal permitted use in the C-2 zoning district (Zoning Ordinance, Section 6-17 B(2)).

The Scott County Planning and Zoning Commission considered this request at their regular meeting on Tuesday, September 5, 2017. The Commission voted to recommend approval of the request with a 5-0 vote. 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 and two subsequent readings.

If you have any questions or comments regarding this meeting or proposal, please call or write the Planning and Development Department, Scott County Administrative Center, 600 West Fourth Street, Davenport, Iowa 52801, (563) 326-8643, or attend the meeting.

Timothy Huey  
Director



PLANNING & ZONING COMMISSION

STAFF REPORT

September 5, 2017



- Applicant:** Point Properties, LLC.
- Request:** Rezone 2.23 acres, more or less, from Single-Family Residential (R-1) to Commercial-Light Industrial (C-2)
- Legal Description:** Part of the SE ¼ of the NE ¼ of Section 26, Township 78 North, Range 2 East of the 5<sup>th</sup> Principal Meridian (Blue Grass Township)
- General Location:** ½ mile west of the I-280 and Locust Street interchange on the west side of 110<sup>th</sup> Avenue, less than 1,000 feet north of West Lake Park
- Existing Zoning:** Residential Single-Family (R-1)
- Surrounding Zoning:**
- North:** Commercial-Light Industrial (C-2)
  - South:** Residential Single-Family (R-1)
  - East:** Agricultural-General (A-G)
  - West:** Residential Single-Family (R-1)

**GENERAL COMMENTS:** This request is to rezone approximately 2.23 acres from Single-Family Residential (R-1) to Commercial-Light Industrial (C-2). The subject property adjoins an existing business, Ryan & Associates, Inc. (deed holder H.F. Enterprises Partnership), which has undergone multiple expansions over the years involving Site Plan Reviews by the Planning and Zoning Commission. Rezoning of the subject property would be part of an additional expansion of the existing business. The applicant intends to use the subject property for outdoor materials and equipment storage with fencing, which is a principal permitted use in the C-2 zoning district per Section 6-17 B(2) in the Zoning Ordinance.

**STAFF REVIEW:** Staff has reviewed this request for its adherence to the Scott County Zoning Ordinance and to the Scott County 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 guidelines for reviewing rezoning proposals are outlined in the Scott County Land Use Policies as follows:

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

The Future Land Use Map does not show a designation for the subject property given the existing Residential Single-Family (R-1) zoning district on the west side of 110<sup>th</sup> Avenue which extends both north- and southwest from the subject property. The east side of 110<sup>th</sup> Avenue opposite the subject property, however, is shown as an area appropriate for



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commercial development. Along with the fact the subject property adjoins an existing Commercial-Light Industrial (C-2) zoning district to the north, the request reasonably complies with the intent of the Future Land Use Map.

*Is the development on marginal or poor agricultural land?*

The subject property is comprised of high-quality agricultural land with Corn Suitability Ratings (CSR's) between 95 and 100. However, the acreage to be rezoned (2.23 acres) is currently a farmstead and not used for agricultural production, so the term "marginal" could certainly be applied. The request appears to meet this criterion.

*Does the proposed development have access to adequately-constructed, paved roads?*

The subject property's point of egress is on 110<sup>th</sup> Avenue, a paved County road, so the request meets this criterion.

*Does the proposed development have adequate provision for public or private sewer and water services?*

The property is currently served by and has access to Iowa American water mains. Any waste water treatment would have to be with an onsite septic system, which would be similar to the one used by the existing house, which will be removed. However, as a proposed storage area the need for water and sewer is likely very limited.

*Is the area near existing employment centers, commercial areas and does not encourage urban sprawl?*

The intention of the request is to expand an existing employment center/commercial area located to the north of the subject property. The expansion would not encourage urban sprawl; rather, it would maintain density by allowing a modestly larger footprint instead of creating an additional, standalone commercial area elsewhere.

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

The proposed development is approximately ½ mile west of the I-280 and Locust Street interchange, and less than 1,000 feet north of West Lake Park. The vicinity is less agricultural in character than other areas in unincorporated Scott County, and the creation of a screened storage area is not likely to increase traffic in a way that would disrupt any existing agricultural activities.

*Does the area have stable environmental resources?*

The subject property is generally flat, not near a floodway or floodplain, and located near residential and commercial-light industrial development. The request meets this criterion.

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

If this rezoning is approved staff would not require a subsequent Site Plan Review



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approval because this expansion of outdoor storage area would not be considered a substantial expansion. However the applicant has indicated that a screening fence and landscaping of the storage area will be provided if this rezoning is approved in accordance with ordinance requirements.

*Is there a recognized need for such development?*

The applicant initiated this request due to a recognized need for more outdoor storage space for the existing adjacent business.

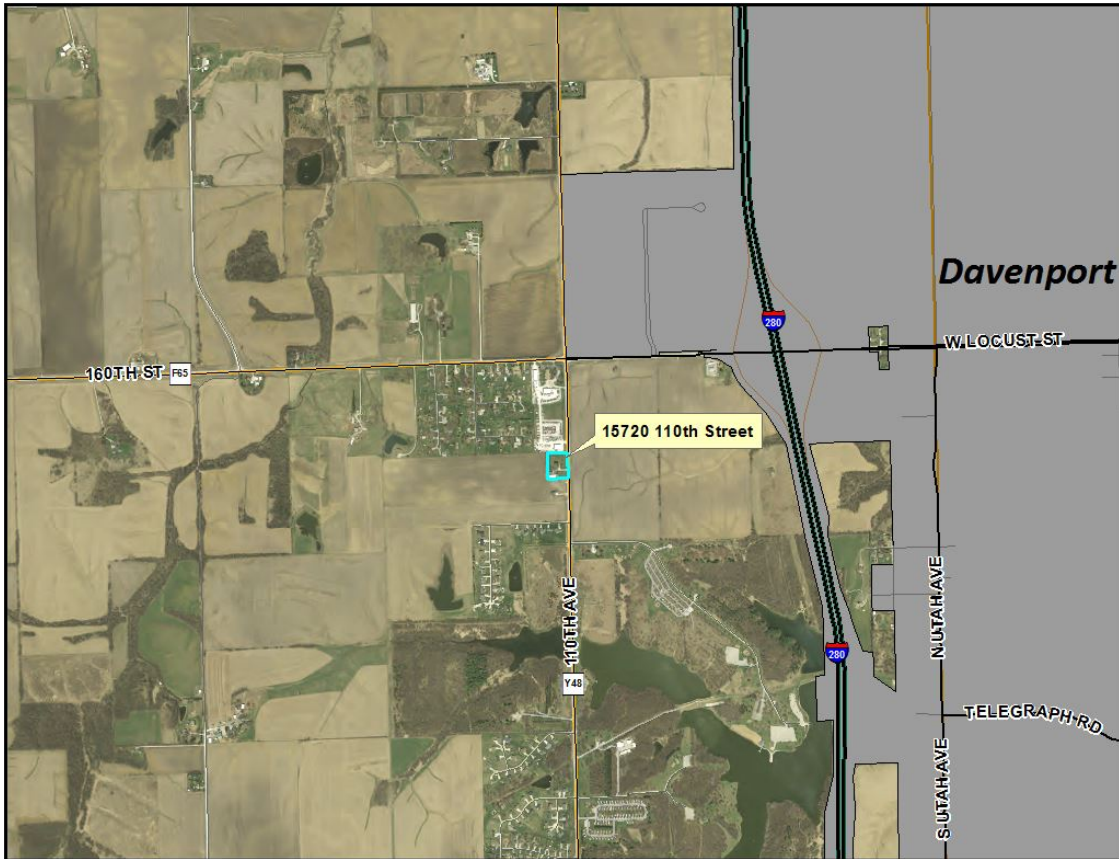
Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property of this hearing. A sign has also been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission. Staff as not, as of yet, received any calls or comments on this request.

Staff also notified the County Engineer, County Health Department, Scott County soil conservationist, and Bi-State Regional Commission for review and comment. No comments have been received.

**RECOMMENDATION:** Staff recommends that the rezoning of this property from Single-Family Residential (R-1) to Commercial-Light Industrial (C-2) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

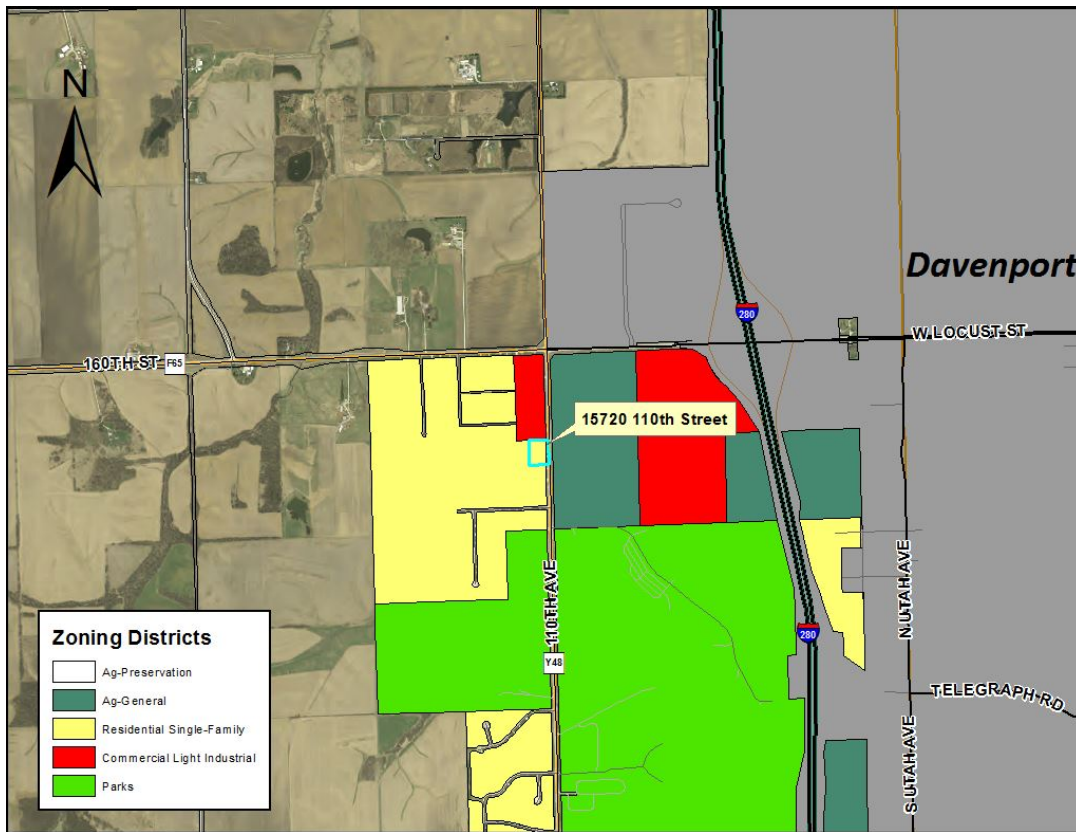
Submitted by:  
Timothy Huey, Director  
August 31, 2017















*Davenport*

W. LOCUST ST

280

160TH ST F65

15720 110th Street

110TH AVE Y48

N. UTAH AVE

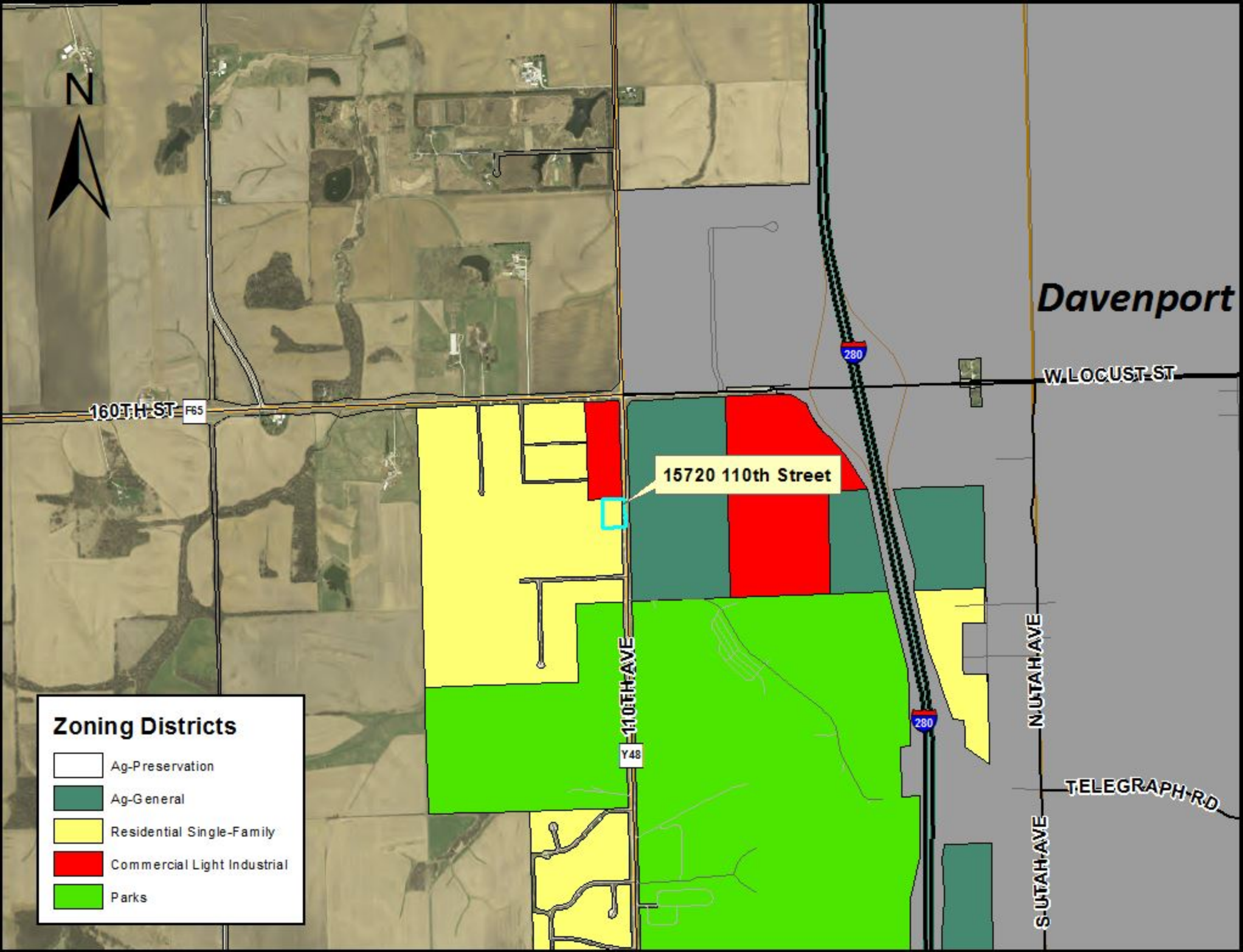
TELEGRAPH RD

S. UTAH AVE

280

### Zoning Districts

-  Ag-Preservation
-  Ag-General
-  Residential Single-Family
-  Commercial Light Industrial
-  Parks



Prepared by: Scott County Planning and Development, 600 West Fourth Street, Davenport Iowa

SCOTT COUNTY ORDINANCE NO. 17-\_\_\_\_\_

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 2.23 ACRES IN SECTION 26, BLUE GRASS TOWNSHIP FROM RESIDENTIAL SINGLE-FAMILY (R-1) TO COMMERCIAL-LIGHT INDUSTRIAL (C-2), ALL WITHIN 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 following described unit of real estate is hereby rezoned from Residential Single-Family (R-1) to Commercial-Light Industrial (C-2) to-wit:

Part of the Southeast Quarter of the Northeast Quarter of Section 26, in Township 78 North, Range 2 East of the 5<sup>th</sup> P.M., more particularly described as follows: Commencing at the northeast corner of said NE ¼ of Section 26; thence South 0°00'00" East along the east line of said NE ¼, a distance of 1334.61' to the northeast corner of said SE ¼ of the NE ¼ and the point of beginning; thence continuing South along said line, a distance of 362.07'; thence South 87°08'00" West, a distance of 300.00'; thence North 0°00'00" East, a distance of 372.51' to the north line of said SE ¼ of the NE ¼; thence North 89°07'39" East, a distance of 299.66' to the point of beginning.

**Section 2.** This ordinance changing the above described land to Commercial-Light Industrial (C-2) is approved as recommended by the Planning and Zoning Commission.

**Section 3.** The County Auditor is directed to record this ordinance in the County Recorder's Office.

**Section 4.** 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 5.** Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

**Section 6.** 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 \_\_\_\_\_ 2017.

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Carol Earnhardt, Chair  
Scott County Board of Supervisors

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Roxanna Moritz, County Auditor