



**Planning & Development
Scott County, Iowa**

Email: planning@scottcountyiowa.com
Office: (563) 326-8643
Fax: (563) 326-8257

Timothy Huey, Director

Item #7
10/31/17

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

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: October 24, 2017

Re: **Public Hearing on the application of Joseph and Lori Cawiezell to rezone 6.56 acres, more or less, from Agricultural-Preservation (A-P) to Agricultural-General (A-G), legally described as part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 2, Sheridan Township, located at 25820 162nd Avenue.**

This request is to rezone approximately 6.56 acres from “Agricultural-Preservation (A-P)” to “Agricultural-General (A-G). This would be the initial step of the applicant’s intended plans to divide the property to allow the development of a second house. In order to divide the property it would need to subsequently be rezoned to Single Family Residential (R-1). Approval of rezoning A-P zoned land to A-G would be the necessary intermediate step before consideration of a future R-1 designation.

Staff reviewed this request for its adherence to the Scott County Zoning Ordinance and to the Scott County Land Use Policies. Scott County encourages development to locate within cities which at times would require annexation of unincorporated areas, however the applicant’s property is not adjacent to Long Grove city limits so annexation is not feasible. Staff recommended denial of this rezoning request based on the determination that it did not meet a preponderance of the applicable Scott County Land Use Policies.

The Planning Commission concurred with that determination and recommended denial of this request. Individual members of the Commission expressed that they understood the motive of the applicant’s request to create one development right for a residence but stated the precedent it would set would be hard to reverse and could result in similar requests for scores of more houses in A-P zoned areas. The intent of the policies was to prevent a proliferation of more houses in agricultural areas.

Vote (recommend denial of rezoning application): 6-1, (Gibson dissenting)

PLANNING & DEVELOPMENT

600 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643 Fax: (563) 326-8257

Email: planning@scottcountyiowa.com



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 (Zoning Ordinance for Unincorporated Scott County), that the Scott County Board of Supervisors will hold a public hearing on **Thursday, November 2, 2017 at 5:00 P.M.** in the **1st Floor Board Room of the Scott County Administrative Center, 600 W. 4th Street, Davenport, Iowa 52801.**

The Scott County Board of Supervisors will consider the request of Joseph and Lori Cawiezell to rezone property at 25820 162nd Avenue, Scott County Parcel #930201008, a 6.56-acre tract more or less, from “Agricultural-Preservation (A-P)” to “Agricultural-General (A-G),” legally described as Part of the NW ¼ of the NW ¼ of Section 2, Township 79 North, Range 3 East of the 5th Principal Meridian (Sheridan Township). The rezoning request was initiated in order to establish a “holding zone” to create opportunity for future compatible development, which is the intention of the A-G zoning district as described in Section 6-10 of the Revised Zoning Ordinance. The applicants provided a sketch plan of a subdivision proposing two (2) residential lots, one of which would be occupied by an existing residence. Approval of this request would not allow such development to occur without a subsequent rezoning. The request was forwarded to the Board of Supervisors after receiving an unfavorable recommendation (Vote: 6-1, recommend denial) from the Planning and Zoning Commission at their regular October 3, 2017 meeting following a public hearing.

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

October 3, 2017



Applicant: Joseph and Lori Cawiezell

Request: Rezone 6.56 acres, more or less, from Agricultural-Preservation (A-P) to Agricultural-General (A-G)

Legal Description: Part of the NW ¼ of the NW ¼ of Section 2, Township 79 North, Range 9 East of the 5th Principal Meridian (Sheridan Township)

General Location: 25820 162nd Avenue

Existing 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 6.56 acres from Agricultural-Preservation (A-P) to Agricultural-General (A-G). The rezoning request was initiated in order to establish a “holding zone” to create opportunity for future compatible development, which is the intention of the A-G zoning district as described in Section 6-10 of the Revised Zoning Ordinance. The applicants provided a sketch plan of a subdivision proposing two (2) residential lots, one of which would be occupied by the existing residence. Prior to approval of any subdivision to create a new developmental lot a rezoning from A-G to R-1 would have to also be approved

The Zoning Ordinance states in Section 6-6.A., “...it is the intent of this Ordinance that the ‘R-1’, ‘R-2’, ‘C-1’, ‘C-2’ and ‘I’ Zoning Districts 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-agricultural uses. This specific rezoning request will not, by itself, enable any development of this property.

STAFF REVIEW: Staff has reviewed this request for its adherence to the Scott County Zoning Ordinance and to the Scott County Land Use Policies. While Scott County encourages development to locate within cities, any proposed changes in land use and zoning in the rural unincorporated area of the county 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:



PLANNING & ZONING COMMISSION

STAFF REPORT

October 3, 2017



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

The subject property is shown on the Future Land Use Map with no anticipated future land use change. Since no development could occur with approval of this request, it meets this criterion. However, since approval of this rezoning would designate this property in a “holding zoning” staff would recommend that the Future Land Use Map be amended to designate this property for residential development if this rezoning is approved.

Is the development on marginal or poor agricultural land?

The subject property is an approximately 6.56-acre farmstead with some timber and an approximately one-acre pond on the west half. Corn Suitability Ratings (CSR's) in the vicinity range from 39 to 100, but the subject property is not presently in agricultural production. The request meets this criterion.

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

The subject property's point of egress is 162nd 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 served by a private well and on-site septic system monitored by the County Health Department. Since no development could occur with approval of this request, it meets this criterion.

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

Because the city limits of the City of Long Grove are approximately 1,000 feet north of the subject property and this property is not adjacent to other residential development nor able to be annexed into the City of Long Grove, it would appear this would encourage urban sprawl, even though the intent is to only create one additional developmental lot.

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

The intent of the Scott County land use policies is to limit or prevent the conversion of prime agricultural land for development but also to prevent the incursion of non-farming neighbors into agricultural areas. Staff would regard this rezoning to be contrary to that intent even though, as stated above, the intent is to only create one additional developmental lot.

Does the area have stable environmental resources?

The subject property is generally flat and not within or near a floodplain or floodway, so the request meets this criterion.



PLANNING & ZONING COMMISSION

STAFF REPORT

October 3, 2017



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

No development could occur with approval of this request, so there would be nothing more intensive taking place on the property that would require buffering from surrounding less-intensive land uses. However, again as stated above, the intent of the Scott County land use policies is to limit or prevent the incursion of non-farming neighbors into agricultural areas. Staff would regard this rezoning to be contrary to that intent even though, as stated above, the intent is to only create one additional developmental lot.

Is there a recognized need for such development?

Though no development could occur with approval of this request, the applicants provided a sketch plan of a subdivision of the subject property proposing two (2) residential lots, one of which would be occupied by the existing residence. The applicants recognize market demand for more rural development lots.

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, the City of Long Grove, the City of Eldridge, and Bi-State Regional Commission for review and comment. No comments have been received.

RECOMMENDATION: Staff recommends that the rezoning of this property from Agricultural-Preservation (A-P) to Agricultural-General (A-G) be denied based on its lack of compliance with a preponderance of the criteria of the Revised Land-Use Policies because it would appear to contribute to urban sprawl.

Submitted by:
Timothy Huey, Director
September 28, 2017



