

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: November 7, 2017

Re: First Reading of ordinance to rezone 6.56 acres, more or less, from Agricultural-Preservation (A-P) to Agricultural-General (A-G), legally described as part of the NW¼ of the NW¼ of Section 2, Sheridan Township, located at 25820 162nd Avenue.

The Board of Supervisors held its public hearing on this application at the October 31 Board meeting. 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 & 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:



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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.



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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?

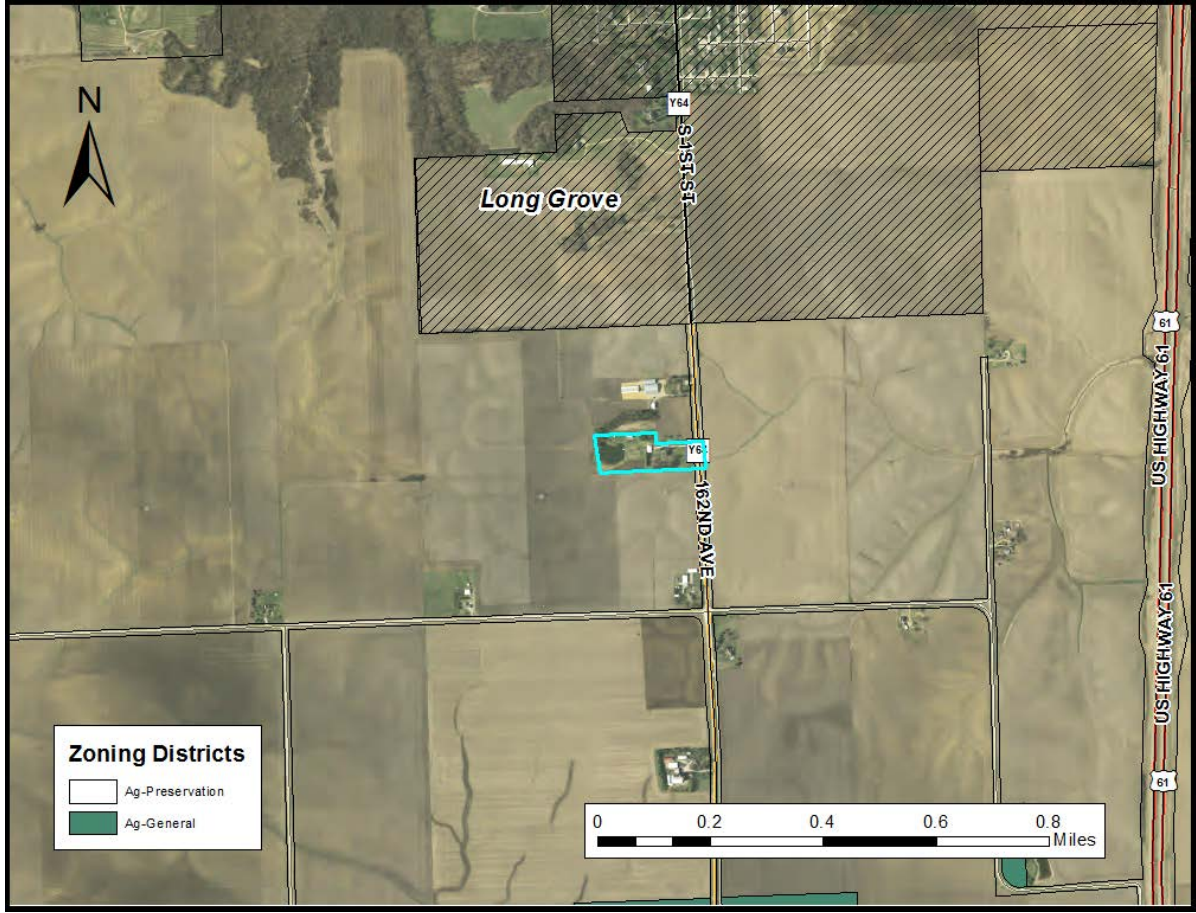
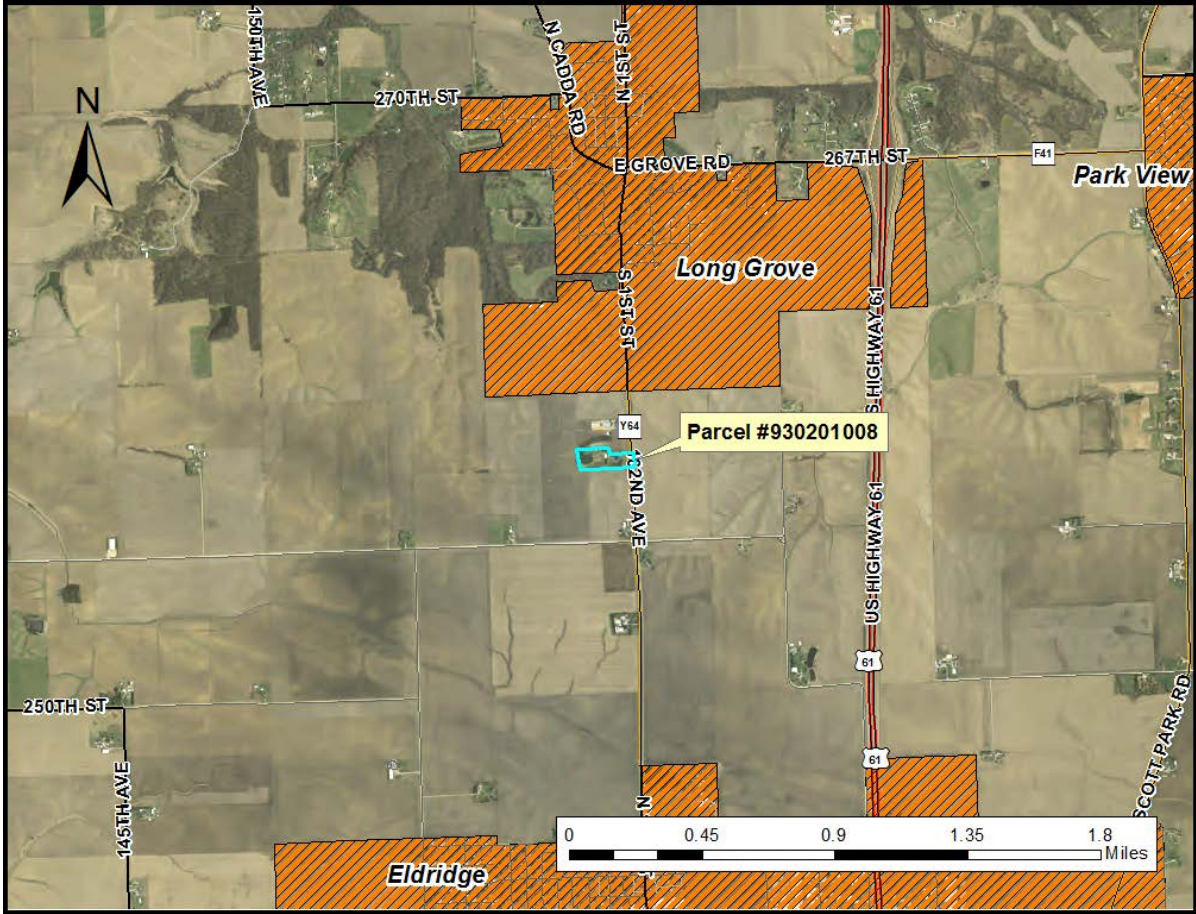
Though no development could occur with approval of this request, the applicants provided a sketch plan of a subdivision of the subject property proposing two (2) residential lots, one of which would be occupied by the existing residence. The applicants recognize market demand for more rural development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

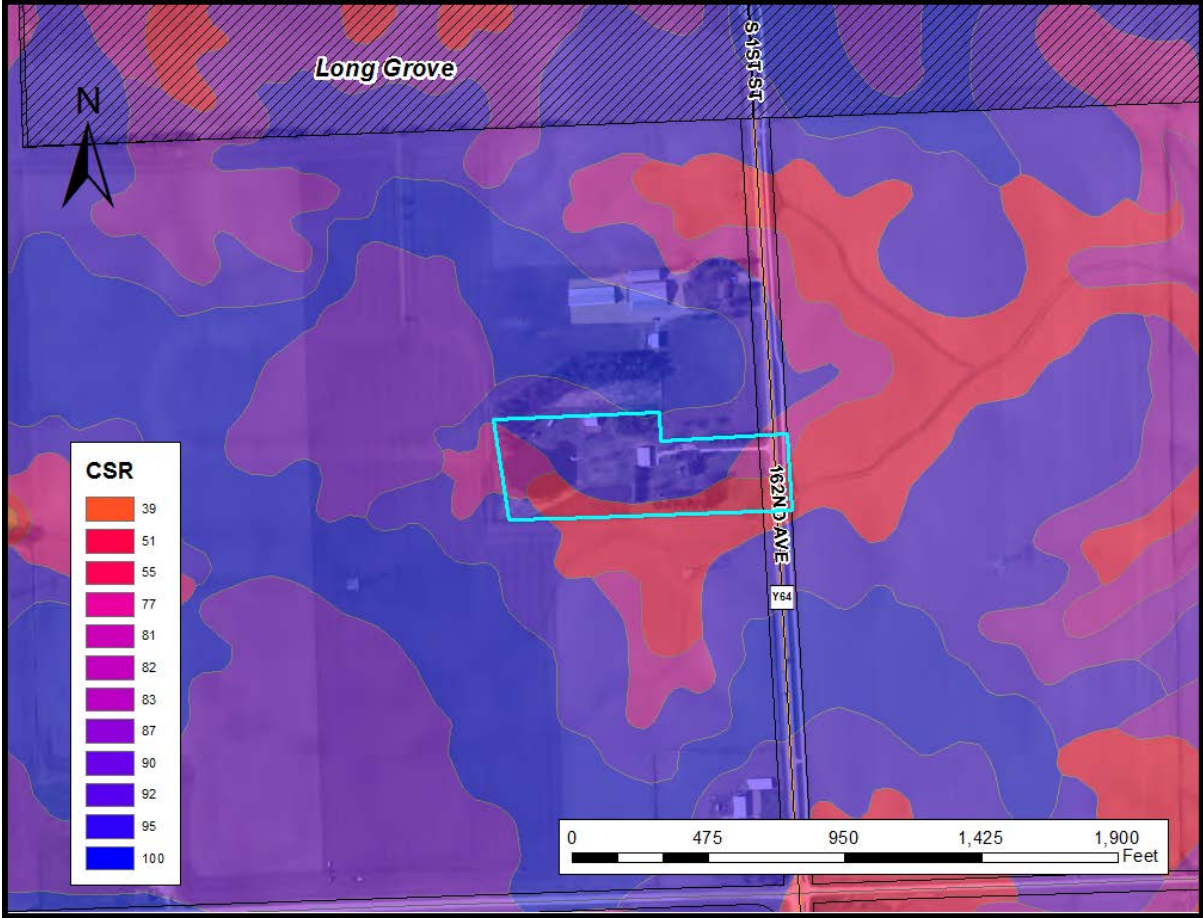
Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property of this hearing. A sign has also been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission. Staff as not, as of yet, received any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





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 6.56 ACRES IN SECTION 2, SHERIDAN TOWNSHIP FROM AGRICULTURAL-PRESERVATION (A-P) TO AGRICULTURAL-GENERAL (A-G), 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 Agricultural-Preservation (A-P) to Agricultural-General (A-G) to-wit:

An approximately 6.56-acre tract in Part of the Northwest Quarter of the Northwest Quarter of Section 2, in Township 79 North, Range 3 East of the 5th P.M.

Section 2. This ordinance changing the above described land to Agricultural-General (A-G) is approved. The Planning and Zoning Commission recommended denial of the change.

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.

Carol Earnhardt, Chair
Scott County Board of Supervisors

Roxanna Moritz, County Auditor