

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: April 10, 2018

Re: Approval of first of two readings of an ordinance rezoning 117 acres, more or less, from Residential Single-Family (R-1) to Agricultural-General (A-G) located in parts of the NE ¼, SE ¼, and SW ¼ of Section 19 and Parts of the NW ¼ of Section 30, Township Butler Township, adjacent to the west side of Scott County Park and east of Scott Park Road.

The Board of Supervisors held a public hearing on this request on April 5th. No one addressed the Board on this application. The Scott County Conservation Board purchased the subject property 25+ years ago in order to prevent its development for residential subdivisions. By acquiring title to the property the Scott County Conservation Board has ensured the property would not be developed but rather be used for conservation/open space/park purposes. Even though parks and open space are a permitted use in R-1 Zoning Districts, staff has always believed Ag-General was the more appropriate zoning designation for Scott County park land, as all the other Conservation Board park property is zoned. However, because the Conservation Board owned this property with the intended purpose of preventing it from being developed, the rezoning of the property has never been a priority.

With the recent review of the Zoning and Future Land Use Maps by the Planning Commission, staff suggested to the Conservation Director that now would be an appropriate time to consider the downzoning of this property. The Conservation Board approved the submission of this application.

The Planning Commission held a public hearing on this request and did not receive and comments on this request.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone 117 acres (more or less) from Residential Single-Family (R-1) to Agricultural-General (A-G) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Vote: Unanimous (7-0)



PLANNING & ZONING COMMISSION

STAFF REPORT

March 20, 2018



- Applicant:** Scott County Conservation Board
- Request:** Rezone 117 acres, more or less, from Residential Single-Family (R-1) to Agricultural-General (A-G)
- Legal Description:** Parts of the NE ¼, SE ¼, and SW ¼ of Section 19 and Parts of the NW ¼ of Section 30, Township 80 North, Range 4 East of the 5th Principal Meridian (Butler Township)
- General Location:** Adjacent to Scott County Park, East of Scott Park Road
- Existing Zoning:** Residential Single-Family (R-1)
- Surrounding Zoning:**
- North:** Agricultural-General (A-G)
 - South:** Residential Single-Family (R-1)
 - East:** Agricultural-General (A-G)/Scott County Park
 - West:** Agricultural-Preservation (A-P)

GENERAL COMMENTS: The overall goal of Scott County's Land Use Policies is to preserve prime agricultural land and protect farming operations from encroachment of non-agricultural development while still identifying certain areas in the County where development can occur. When the zoning map was first adopted in 1981, the area along Scott Park Road adjacent to Scott County Park, approximately 117 acres, was identified as appropriate for residential development and as such was zoned R-1. No proposals for residential development were ever proposed or approved. The property was purchased by Scott County Conservation Board 20 years ago and is now part of the larger Scott County Park property. The Conservation Board has submitted this rezoning application because finds it appropriate for the property's zoning designation to reflect its current and intended future use as park property, which is a principal permitted use in the Agricultural-General (A-G) district.

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 zoning in the rural unincorporated area of the county should comply with a preponderance of the applicable Scott County Land Use Policies:

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

The subject property is shown on the Future Land Use Map as part of the larger Scott County Park property (Recreation/Conservation as existing land use) with no anticipated future land use change. Approval of this request would make the current zoning map accurately reflect the existing land use shown on the Future Land Use Map.



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Is the development on marginal or poor agricultural land?

The subject property has Corn Suitability Ratings (CSR's) ranging from 40 to 95, but it is not presently in agricultural production. No development is proposed with this request, so the request meets this criterion.

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

No development is proposed with this request, but the subject property has frontage along Scott Park Road, a paved County road.

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

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?

The area is in close proximity to Park View and near the City of Long Grove, but since no development is proposed with this request, it would not encourage urban sprawl.

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 non-agricultural development and protect existing agricultural activities. Continuing recreational use of the property would not involve the conversion of prime agricultural land for development and would continue to have minimal disruption to existing agricultural activities in the vicinity, so the request meets this criterion.

Does the area have stable environmental resources?

The subject property is part of the larger Scott County Park property, which is County-owned under the care of the Conservation Board. In order to preserve and improve this natural County amenity, the Board manages the park's environmental resources, which include forest and prairie preserves and water features, to ensure their stability for the enjoyment of current and future visitors.

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.

Is there a recognized need for such development?

Again, no development could occur with approval of this request.



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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.

RECOMMENDATION: Staff recommends that the rezoning of this property from Residential Single-Family (R-1) to Agricultural-General (A-G) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Submitted by:
Timothy Huey, Director
March 16, 2018

Scott County Planning & Zoning Commission

March 20, 2018

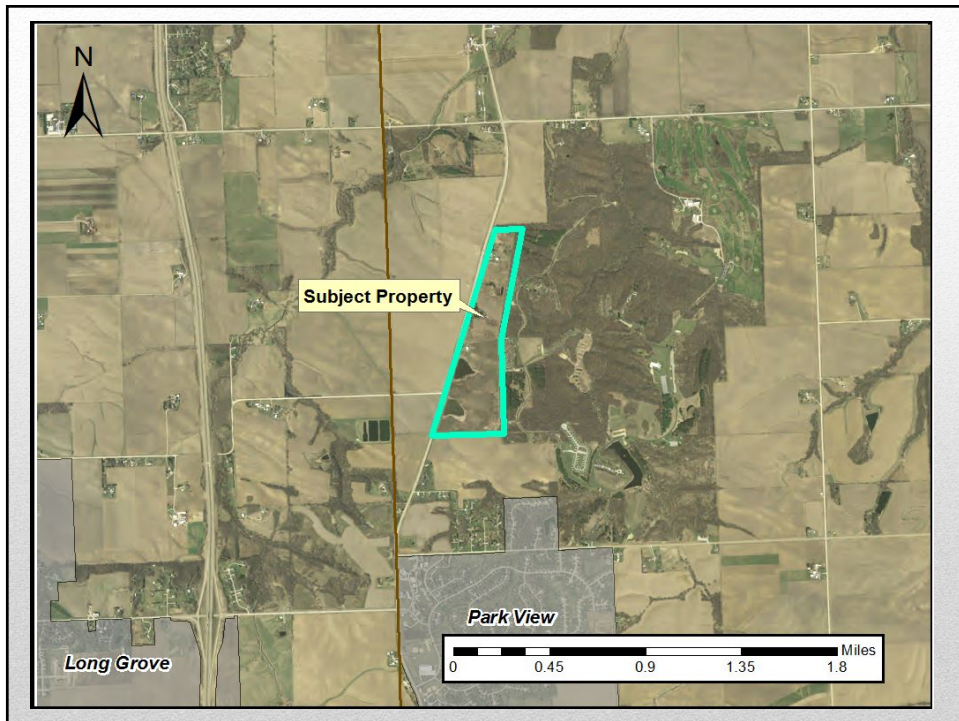
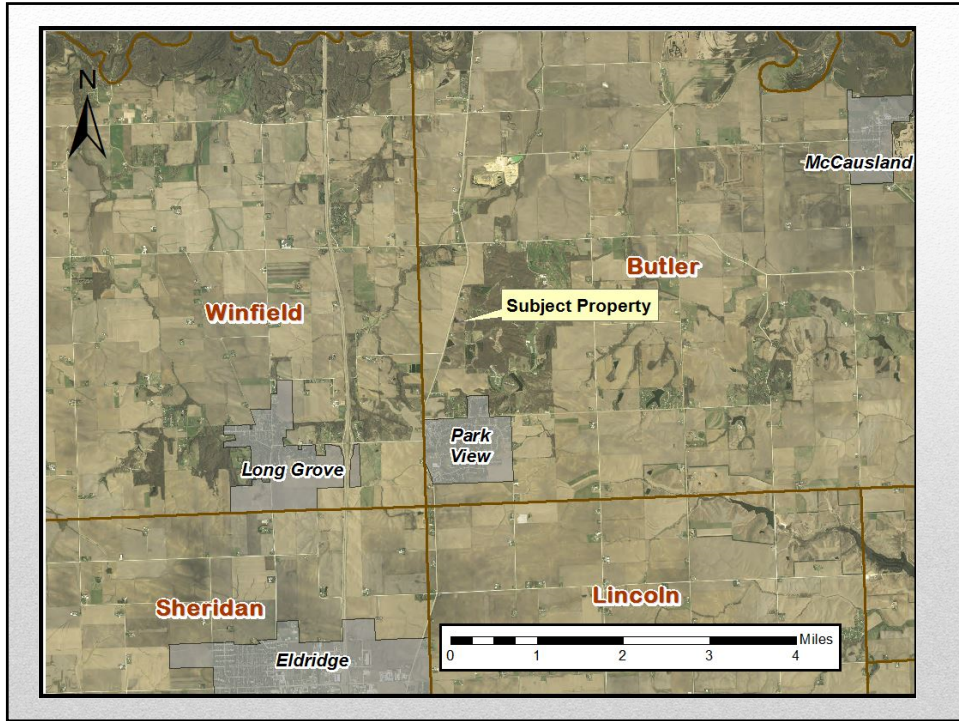
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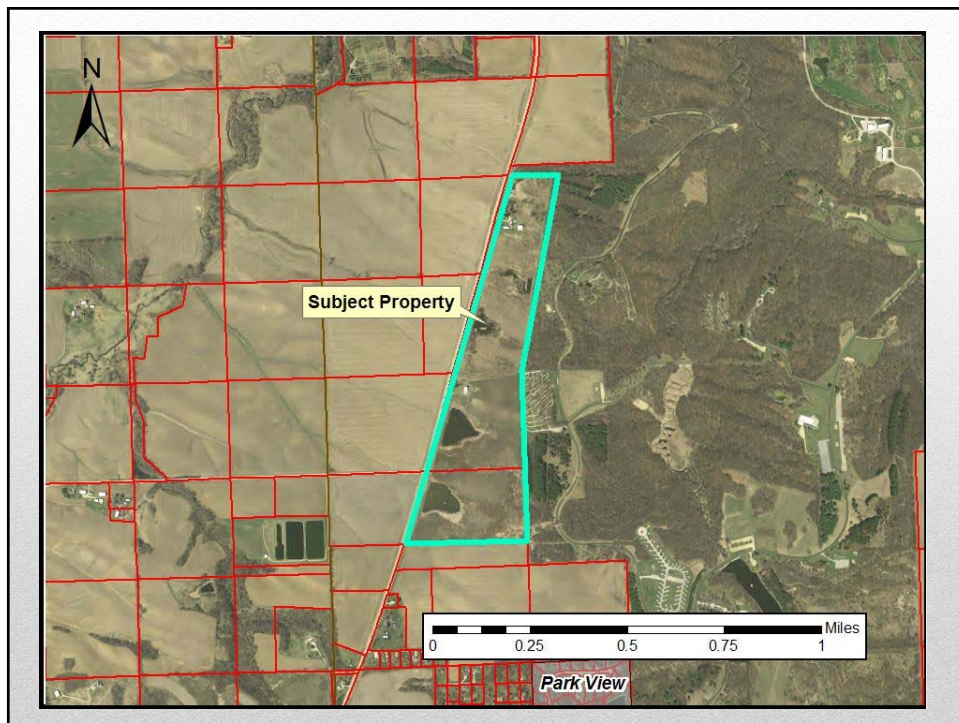
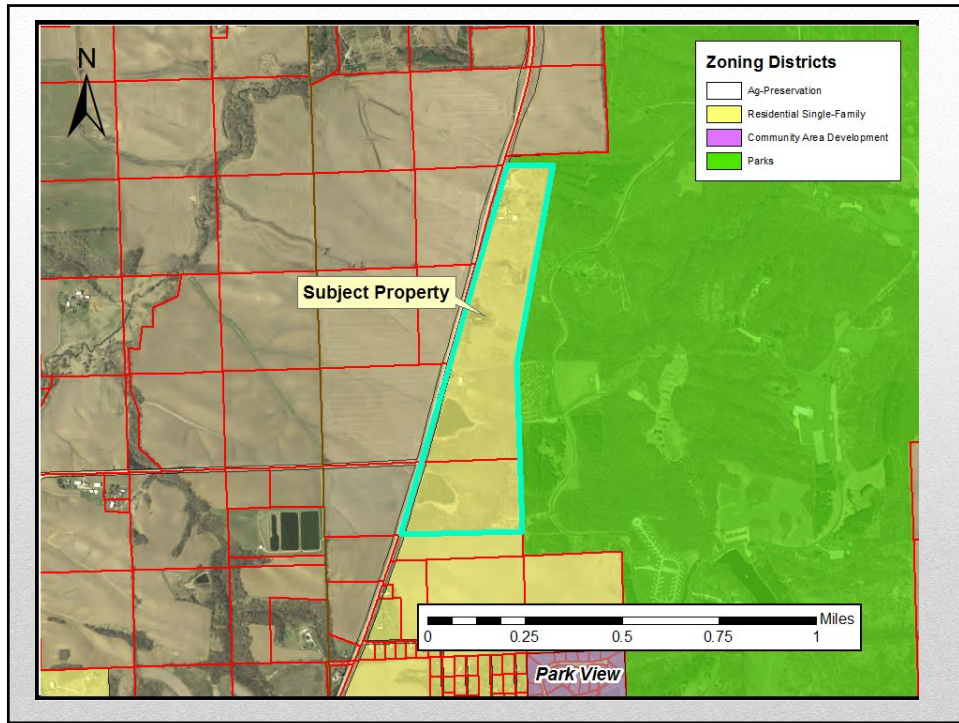


REZONING

SUMMARY

- **Applicant:** Scott County Conservation
- **Request:** Rezone from Residential Single-Family (R-1) to Agricultural-General (A-G)
- **Legal Description:** Parts of the NE ¼, SE ¼, and SW ¼ of Section 19 and Parts of the NW ¼ of Section 30, Butler Twp
- **General Location:** Adjacent to Scott County Park
- **Size:** 117 acres (approximately)
- **Zoning:** Residential Single-Family (R-1)





SCOTT PARK ROAD FACING SOUTH



SCOTT PARK ROAD FACING NORTH



FACING WEST FROM SUBJECT PROPERTY



FACING EAST TOWARD SUBJECT PROPERTY

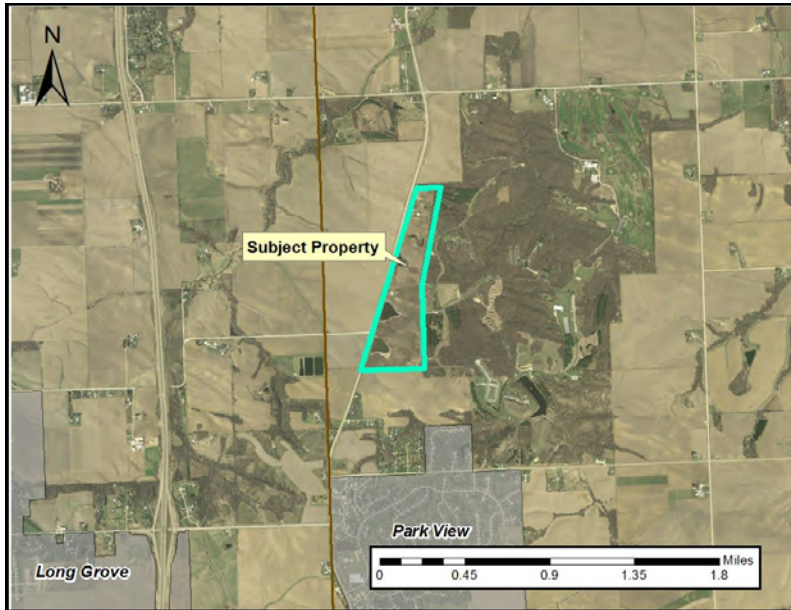


LAND USE POLICIES REVIEW

- ***In compliance with the Future Land Use Map?***
 - Shows Recreation/Conservation as Existing Land Use with no Future Land Use designation
 - Approval would make the current zoning map accurately reflect Existing Land Use
 - ***On marginal or poor agricultural land?***
 - CSR's range from 40 to 95, but not in agricultural production
 - ***Have access to adequately-constructed, paved roads?***
 - Frontage along Scott Park Road, though no development proposed
 - ***Adequate provision for public/private sewer and water?***
 - No development proposed
-

- ***Near existing employment centers, commercial areas, and does not encourage urban sprawl?***
 - Close proximity to Park View, near Long Grove, though no development proposed
- ***Least disruptive to existing agricultural activities?***
 - Continued recreational use would have minimal disruption to existing agricultural activities nearby
- ***Stable environmental resources?***
 - Park resources managed by the Conservation Board to ensure stability for enjoyment of current and future visitors
- ***Sufficiently buffered?***
 - No development proposed
- ***Recognized need for development?***
 - No development proposed

PUBLIC HEARING



STAFF RECOMMENDATION

Approve, based on compliance with a preponderance of the criteria of the Land Use Policies

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

SCOTT COUNTY ORDINANCE NO. 18-_____

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 117 ACRES IN SECTIONS 19 & 30, BUTLER TOWNSHIP FROM SINGLE-FAMILY RESIDENTIAL (R-1) 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 Single-Family Residential (R-1) to Agricultural-General (A-G) to-wit:

Part of the NE ¼ NW ¼ lying east of the Rd containing 35 MOL acres and Part of the SE ¼ NW ¼ lying east of the Rd containing 30 MOL acres and Part of the SW ¼ NW ¼ lying east of the Rd containing 3 MOL acres all in Section 30 of Butler Township and Part of the SE ¼ SW ¼ containing 22 MOL acres and Part of the SW ¼ SE ¼ containing 4 MOL acres and Part of the NW ¼ SE ¼ containing 11 MOL acres and Part of the NE ¼ SW ¼ containing 10 MOL acres and Part of the SE ¼ NW ¼ containing .5 MOL acres and Part of the SW ¼ NE ¼ containing 1.5 MOL acres all in Section 19 of Butler Township containing a total of 117 acres more or less.

Section 2. This ordinance changing the above described land to Agricultural-General (A-G) 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 _____ 2018.

Tony Knobbe, Chair
Scott County Board of Supervisors

Roxanna Moritz, County Auditor