

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: June 19, 2018

Re: Approval of the first of two readings of an ordinance rezoning a 17.65-acre tract, more or less, from “Agricultural-General (A-G)” to “Single-Family Residential (R-1),” legally described as Part of the East ½ of Section 6 of Pleasant Valley Township, south of 195th Street, adjacent to Stoney Creek North 2nd Addition.

The Board of Supervisors held a public hearing on this application on June 12th. The applicant, Tim Dolan, attended the hearing but did not have any comments. No one else addressed the Board on this request. The Planning Commission unanimously recommended approval of the rezoning in accordance with staff’s recommendation. The Commission determined that the request met a preponderance of the criteria of the land use policies. The area is shown on the Future Land Use Map as appropriate for residential development, it is near employment and commercial centers, it has access to a paved road and it is adjacent to other residential development. The property for Stoney Creek North and Stoney Creek North II was rezoned from A-G to R-1 in 2000 and 2005, respectively.

Staff has not received any calls or comments on this request. Tim Dolan also developed the adjacent Stoney Creek North II, Stoney Creek North and the original Stoney Creek Subdivision, south of Spencer Creek and was the only person in attendance at the Planning Commission’s public hearing and spoke in favor of his request.

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



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- Applicant:** R & MS Land Co., L.C.
- Request:** Rezone 17.65 acres, more or less, from Agricultural-General (A-G) to Single-Family Residential (R-1)
- Legal Description:** Part of the East ½ of Section 6 in Pleasant Valley Township
- General Location:** South of 195th Street/Forest Grove Road, about midway between city limits of Bettendorf and LeClaire, west of Stoney Creek North 2nd Addition and north and east of Spencer Creek.
- Existing Zoning:** Agricultural-General (A-G)
- Surrounding Zoning:**
- North:** Agricultural-General (A-G), Agricultural-Preservation (A-P)
 - South:** Agricultural-General (A-G), Single-Family Residential (R-1)
 - East:** Agricultural-General (A-G), Single-Family Residential (R-1)
 - West:** Single-Family Residential (R-1)

GENERAL COMMENTS: This request is to rezone a 17.65 acre tract of land located south of Forest Grove Road and west of Stoney Creek North II from Agricultural General (A-G) to Single Family Residential (R-1). The plat of the first Stoney Creek Subdivision, a 28-lot subdivision which is located south of Spencer Creek and off of Wells Ferry Road, was approved and recorded in 1995. The rezoning of the 39 acres for Stoney Creek North, a 27-lot subdivision located north of Spencer Creek and south of Forest Grove Road, was approved in 2000. The rezoning of the 39 acres, just to the west of that, for Stoney Creek North II, a 25-lot subdivision, was approved in 2005. The rezoning of this property must be approved prior to any review of a preliminary plat for the 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. 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 area to be rezoned is shown on the Future Land Use Map as appropriate for future residential development. The request meets this criterion.

Is the development on marginal or poor agricultural land?

Approximately half of the area to be rezoned is currently in agricultural production. The portion in agricultural production has Corn Suitability Ratings (CSR's) ranging from the mid-teens to as high as 90. The other half contains Spencer Creek and its associated



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ravine, which is poorly suited for agricultural use. Therefore, the area to be rezoned as a whole would be considered marginal agricultural land at best.

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

The area to be rezoned has frontage along 195th Street, an adequately-constructed, paved County road.

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

The property is not currently served by either public sewer or water service, and therefore any development must comply with State and County health regulations for private wells and on-site wastewater treatment unless sewer is extended. The County Health Department did not have any comments regarding the proposal at this time since a subdivision proposal including number of development lots and lot configurations has not yet been submitted. According to the Web Soil Survey from the Natural Resources Conservation Service, the entire property is considered “Very limited” for “Septic Tank Absorption Field Suitability.” Further review by and comment from the Health Department would thus be an important element for the consideration of any subdivision proposals.

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

The area to be rezoned is about midway between the corporate city limits of LeClaire and Bettendorf. There has been an historic trend of residential development in this area of the county and the Future Land Use map indicates most of the undeveloped land in the vicinity is appropriate for future residential development. Since the proposal would adhere to nearby development trends, it would not be seen as encouraging 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 not only 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. The area to be rezoned is near other residential development and fits the residential development trends that have taken place in Pleasant Valley Township.

Does the area have stable environmental resources?

According to the Web Soil Survey from the Natural Resources Conservation Service (NRCS), the property’s soils have only slow and very slow infiltration rates, so stormwater runoff potential is very high. This would indicate that any construction on this property would need to meet design and construction standards set by a professional civil and/or structural engineer. Spencer Creek, which runs through the southern half of the



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area to be rezoned, is also prone to flooding so the NRCS has rated the soils near its banks as having “Frequent” Flooding Frequency.

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

Since residential development has historically occurred throughout Pleasant Valley Township, the rezoning would not be inconsistent with the general vicinity’s land use patterns and would not require buffering.

Is there a recognized need for such development?

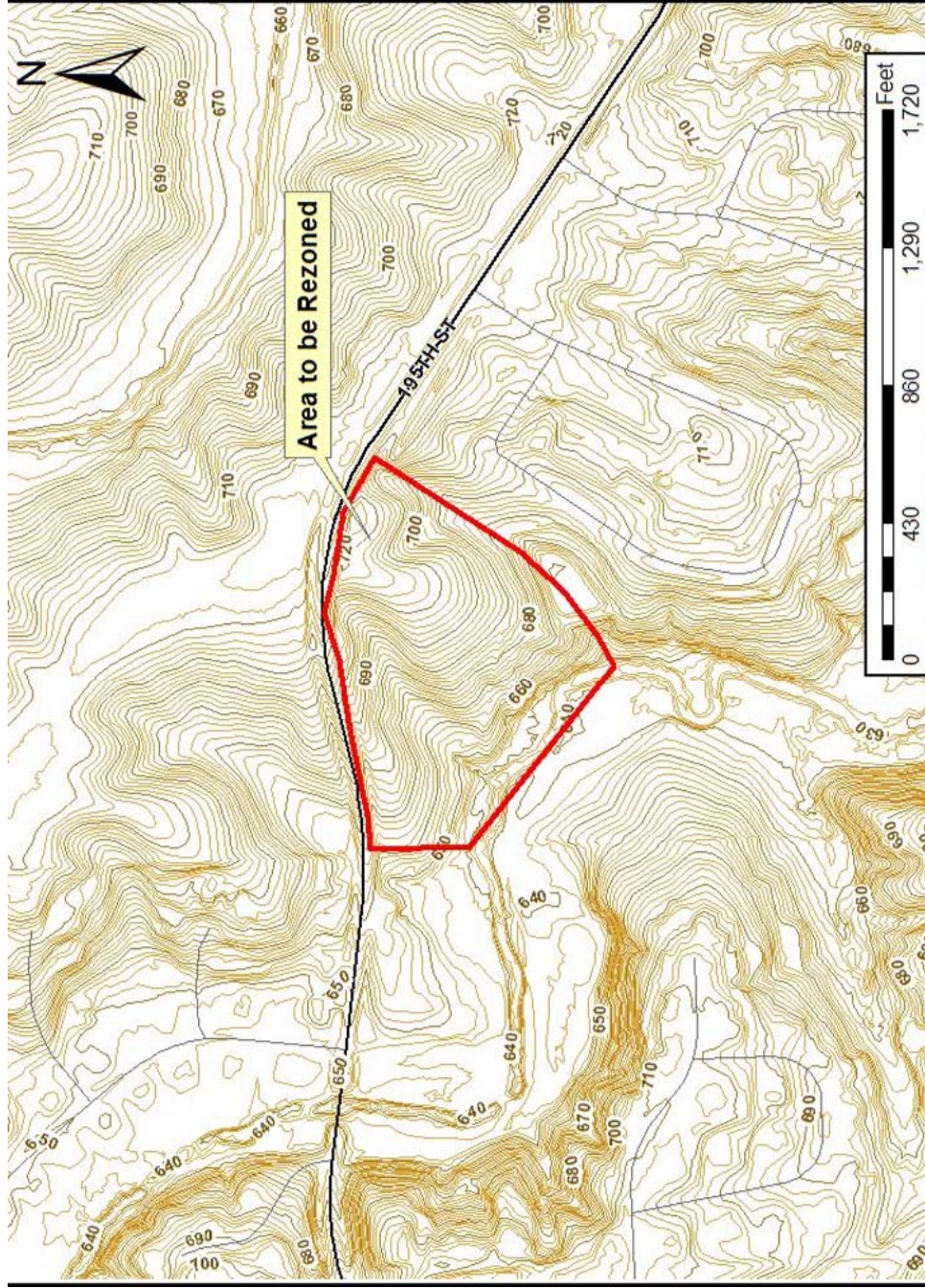
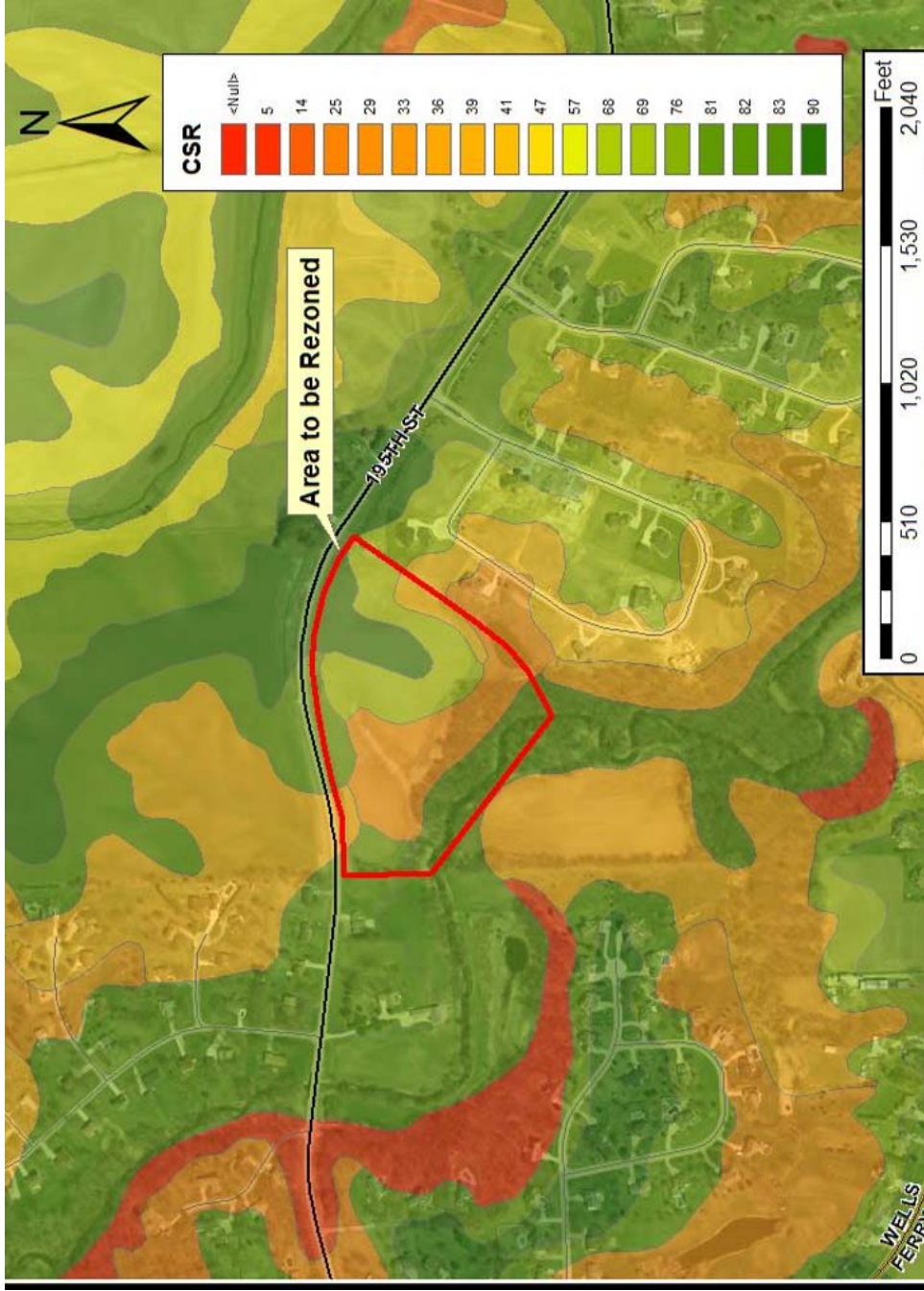
Even in a strict agricultural preservation county like Scott County, it must be recognized that there is a demand (“need”) for residential development in the rural areas.

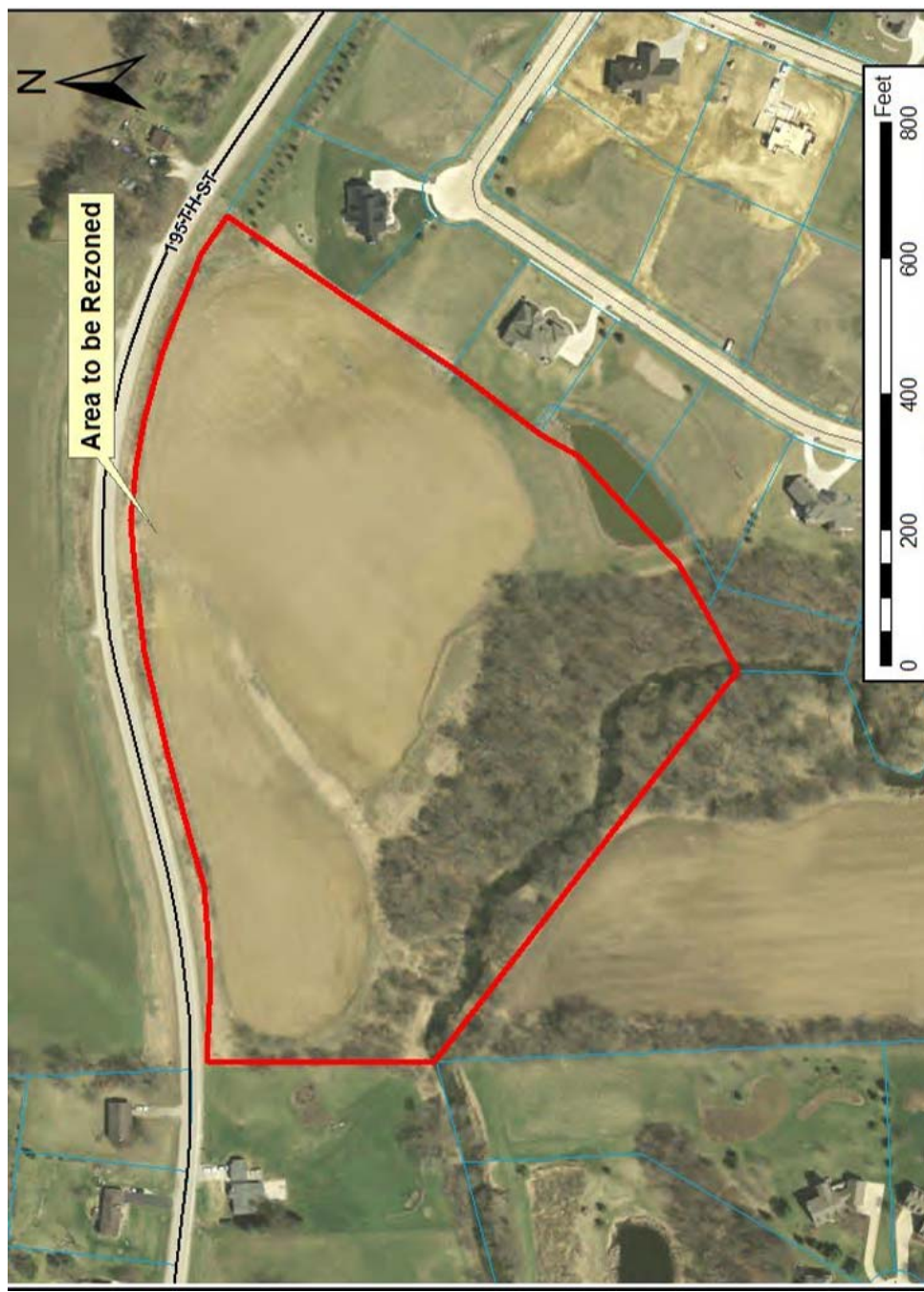
Staff has mailed notification to the adjacent property owners within five hundred feet (500’) of this property of this hearing. A sign has also been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission. Staff as not, as of yet, received any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

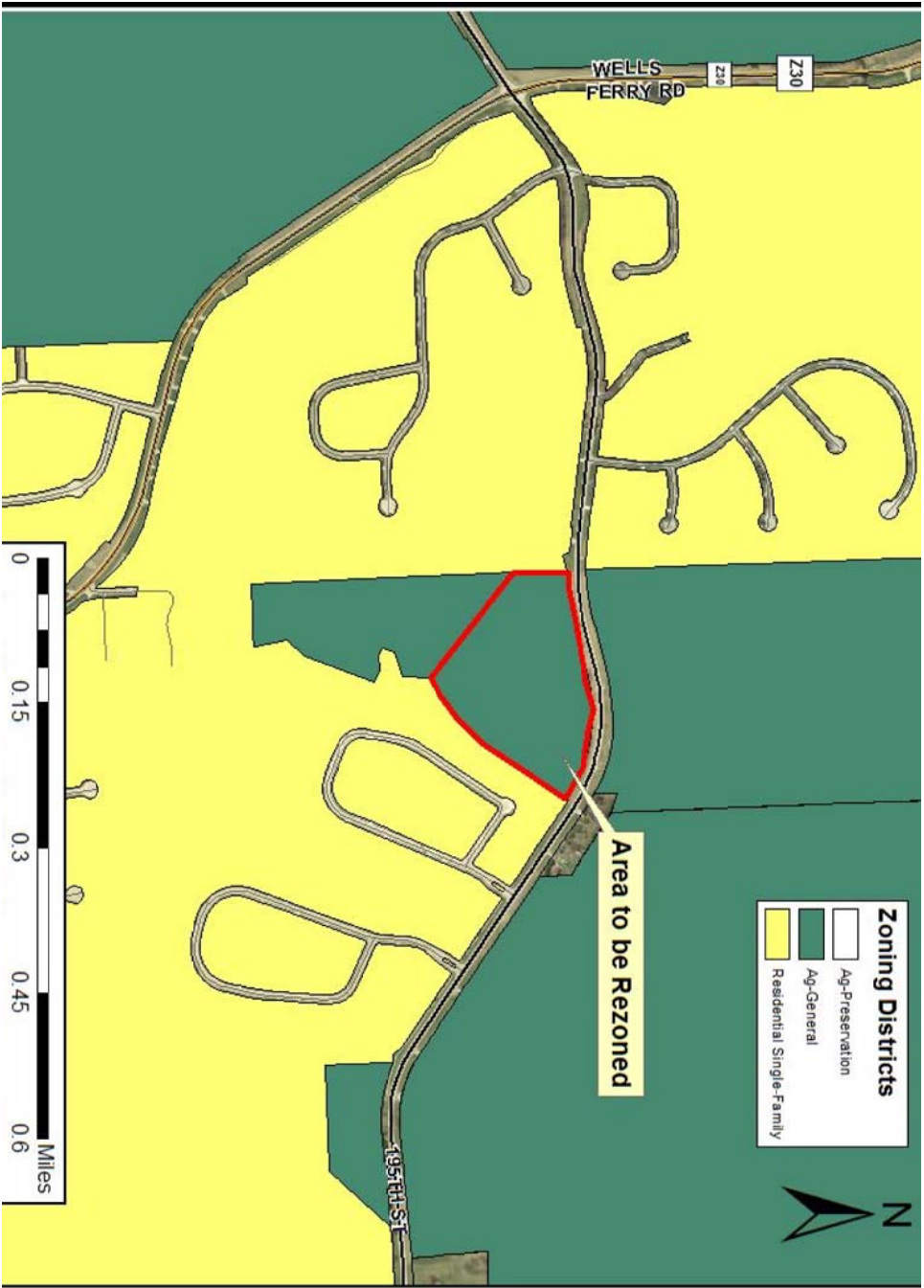
Staff has also notified the County Engineer, County Health Department, Scott County soil conservationist, Bi-State Regional Commission, and the cities of LeClaire and Bettendorf for review and comment. The memo and supplemental maps received from Bi-State planning staff is included with this report.

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

Submitted by:
Timothy Huey, Director
May 11, 2018







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 17.65 ACRES IN SECTION 6, PLEASANT VALLEY TOWNSHIP FROM AGRICULTURAL-GENERAL (A-G) TO SINGLE-FAMILY RESIDENTIAL (R-1) , 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-General (A-G), to Single-Family Residential (R-1) to-wit:

Part of the East Half of Section 6, Township 78 North, Range 5 East of the 5th P.M., Scott County, Iowa, being more particularly described as follows: Commencing at the northerly most corner of Stoney Creek North Second Addition to Scott County, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described: thence South 35°-16' -40" West 683.77 feet along the westerly line of said Stoney Creek North Second Addition; thence South 48°-13' -40" West 218.78 feet along the westerly line of said Stoney Creek North Second Addition; thence 62°-38' -50" West 172.21 feet along the westerly line of said Stoney Creek North Second Addition; thence North 53°-17' -30" West 699.31 feet to a point on the East Line of the West Half of the East Half of said Section 6; thence North 01°-04' -10" West 400.00 feet along the East Line of the West Half of the East Half of said Section 6 to the centerline of 195th Street (Forest Grove Road) as now established in Scott County, Iowa; thence northeasterly 328.62 feet along the centerline of said 195th Street being a curve concave northerly having a radius of 1432.50 feet and a chord bearing and dimension of North 83°-38' -00" East 327.90 feet; thence North 77°-03' -40" East 234.65 feet along the centerline of said 195th Street; thence southeasterly 754.52 feet along the centerline of said 195th Street being a curve concave southerly having a radius of 955.00 feet and a chord bearing and dimension of South 80°-18' -20" East 735.05 feet to the point of beginning. Containing 17.65 acres, more or less.

Section 2. This ordinance changing the above described land to Residential Single-Family (R-1) 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