

**PLANNING & DEVELOPMENT**

600 West Fourth Street

Davenport, Iowa 52801-1106

E-mail: [planning@scottcountyia.com](mailto:planning@scottcountyia.com)

Office: (563) 326-8643

Fax: (563) 326-8257



Item #3  
8/7/18

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Timothy Huey  
Director

To: Mary Thee, Assistant County Administrator

From: Timothy Huey, Planning Director

Date: July 31, 2018

**Re: Discussion of Public Hearing and presentation of Planning and Zoning Commission's recommendation on the application of Steven VonMuenster to rezone a 22.6-acre tract, more or less, from "Agricultural-General (A-G)" to "Single-Family Residential (R-1)," legally described as the W<sup>1</sup>/<sub>2</sub> of the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 27 in Allens Grove Township.**

The Planning Commission unanimously recommended approval of the rezoning in accordance with staff's recommendation but amended with one condition. Even though this area was not shown on the Future Land Use Map as anticipated for residential development, the Planning Commission noted that the purpose of the rezoning was to allow separate lots to be created for the two existing residences on the one 20 acre parcel. The rezoning was not intended to allow further subdivision to create additional residential development unless the access was improved to meet County standards for such subdivisions.

The applicant was present to answer any questions from the Commission. No members of the public spoke for or against the request. The Commission discussed the impression rezoning the property to R-1 may give to neighboring property owners and other County residents, and decided it was appropriate to add a condition to be clear that no further residential development was encouraged on the property with the existing access, which lacks sufficient easement width.

The Commission determined that the request met a preponderance of the other criteria of the land use policies to allow this rezoning so that separate lots could be created for the two existing residences.

**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 with the condition That no further subdivision of the property be initiated prior to making suitable roadway and access improvements

**Vote: All Ayes (4-0)**



PLANNING & ZONING COMMISSION

STAFF REPORT

July 17, 2018



- Applicant:** Steven VonMuenster
- Request:** Rezone 22.6 acres, more or less, from Agricultural-General (A-G) to Single-Family Residential (R-1)
- Legal Description:** W½ of the SW¼ of the NE¼ of Section 27 in Allens Grove Township
- General Location:** North of Allens Grove Road, less than two (2) miles west of the City of Donahue
- Existing Zoning:** Agricultural-General (A-G)
- Surrounding Zoning:**
- North:** Agricultural-General (A-G)
  - South:** Single-Family Residential (R-1)
  - East:** Agricultural-General (A-G), Single-Family Residential (R-1)
  - West:** Agricultural-General (A-G), Single-Family Residential (R-1)

**GENERAL COMMENTS:** This request is to rezone a 22.6 acre tract of land from Agricultural General (A-G) to Single Family Residential (R-1). According to the petition to rezone, there are currently two dwellings on the existing parcel and the applicant intends to subdivide the parcel into two in order to sell one of the dwellings. This subdivision would be permissible only within a residentially-zoned 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 area to be rezoned is not shown on the Future Land Use Map, but the request does not propose a land use change.

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

Containing only timber and the two existing dwellings, none of the area to be rezoned is currently in agricultural production, though Corn Suitability Ratings (CSR's) range from the single digits to near 90. Since the intent is to subdivide the property in order to sell the two existing dwellings separately, development would not eliminate any prime agricultural land.

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



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The area to be rezoned has frontage along Allens Grove Road, 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, or continue to comply, with State and County health regulations for private wells and on-site wastewater treatment. The County Health Department did not have any comments or concerns regarding the proposal.

*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 Dixon and Donahue. There is a cluster of existing dwellings in the vicinity of the subject property, but the Future Land Use map does not indicate the area is appropriate for additional residential development. This request, however, would only address the subdivision of existing residential development so it would not be seen as encouraging 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, would not initiate further residential development, and thus would cause little disruption to existing agricultural activities.

*Does the area have stable environmental resources?*

The area to be rezoned is consumed entirely by timber and two existing dwellings. Since no further development is proposed with this request, it meets this criterion.

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

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?*

The request will eventually address a situation where there are two dwellings on one parcel, which would actually correct a legal non-conforming use on the property.

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.



PLANNING & ZONING COMMISSION

STAFF REPORT

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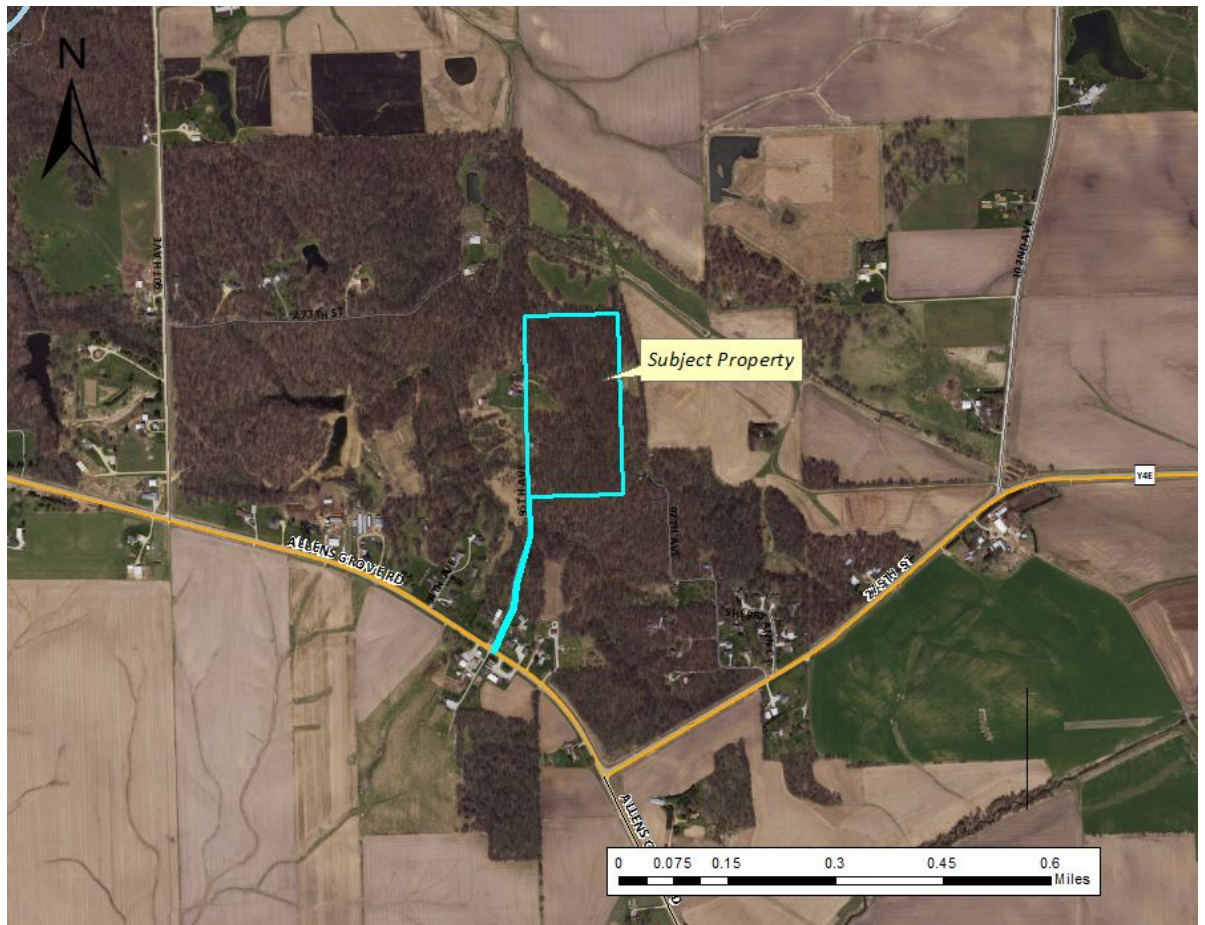
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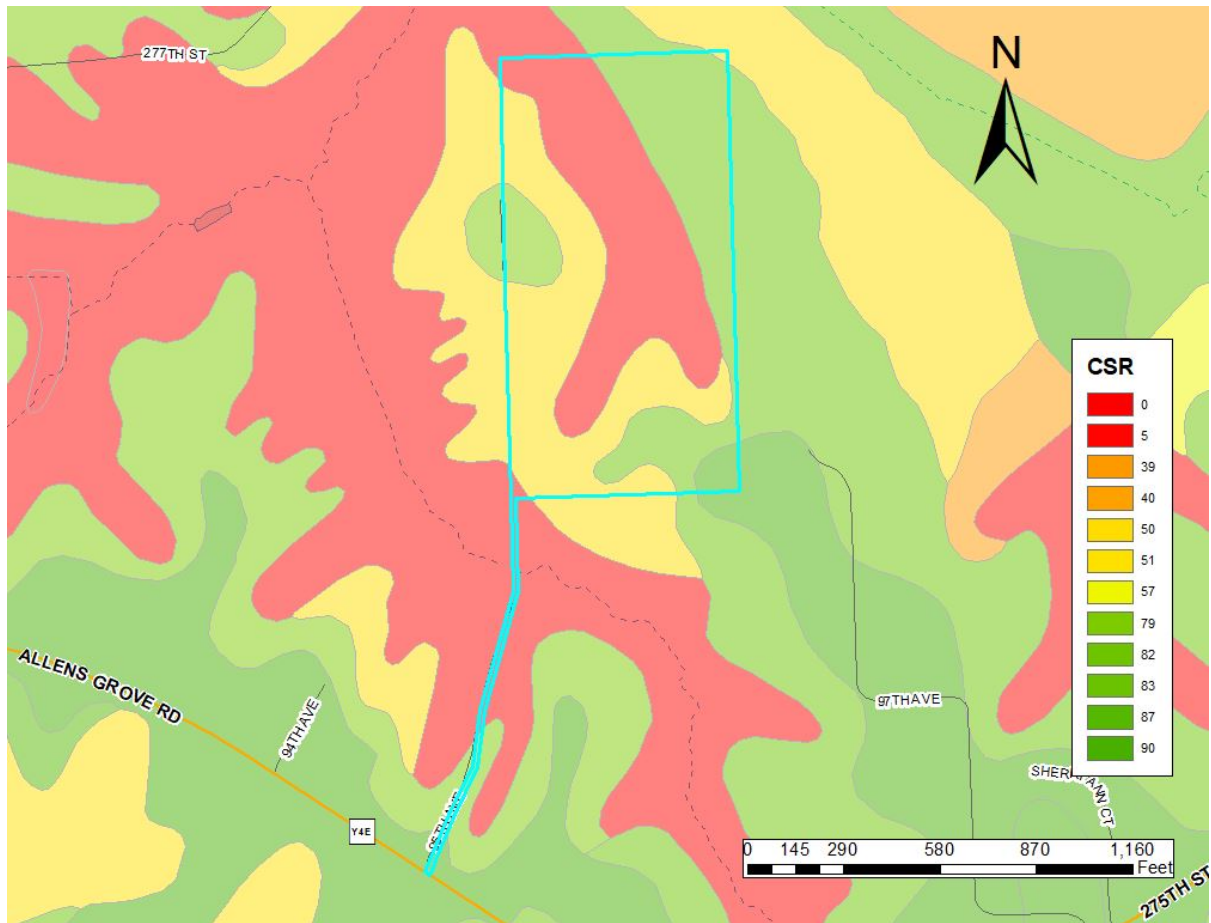
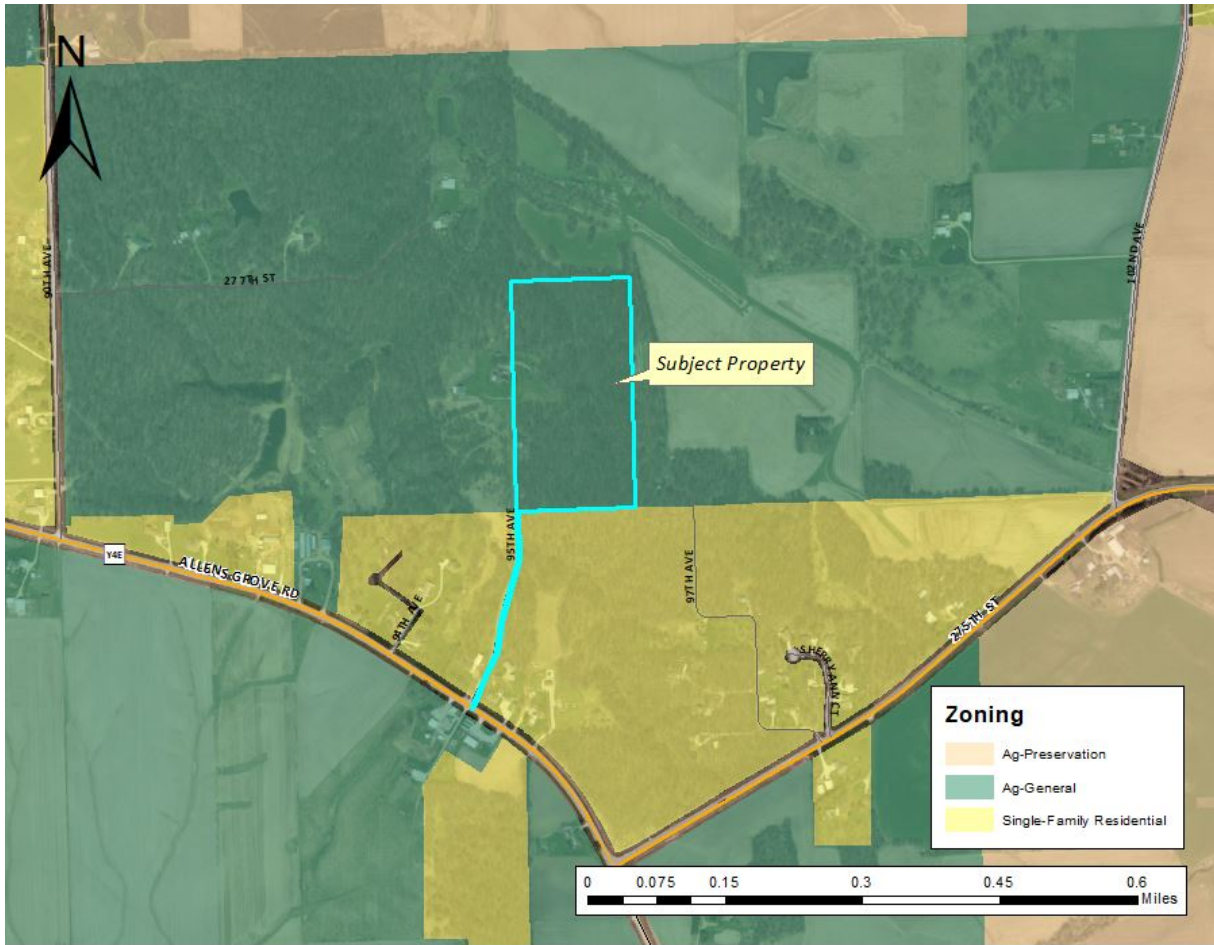


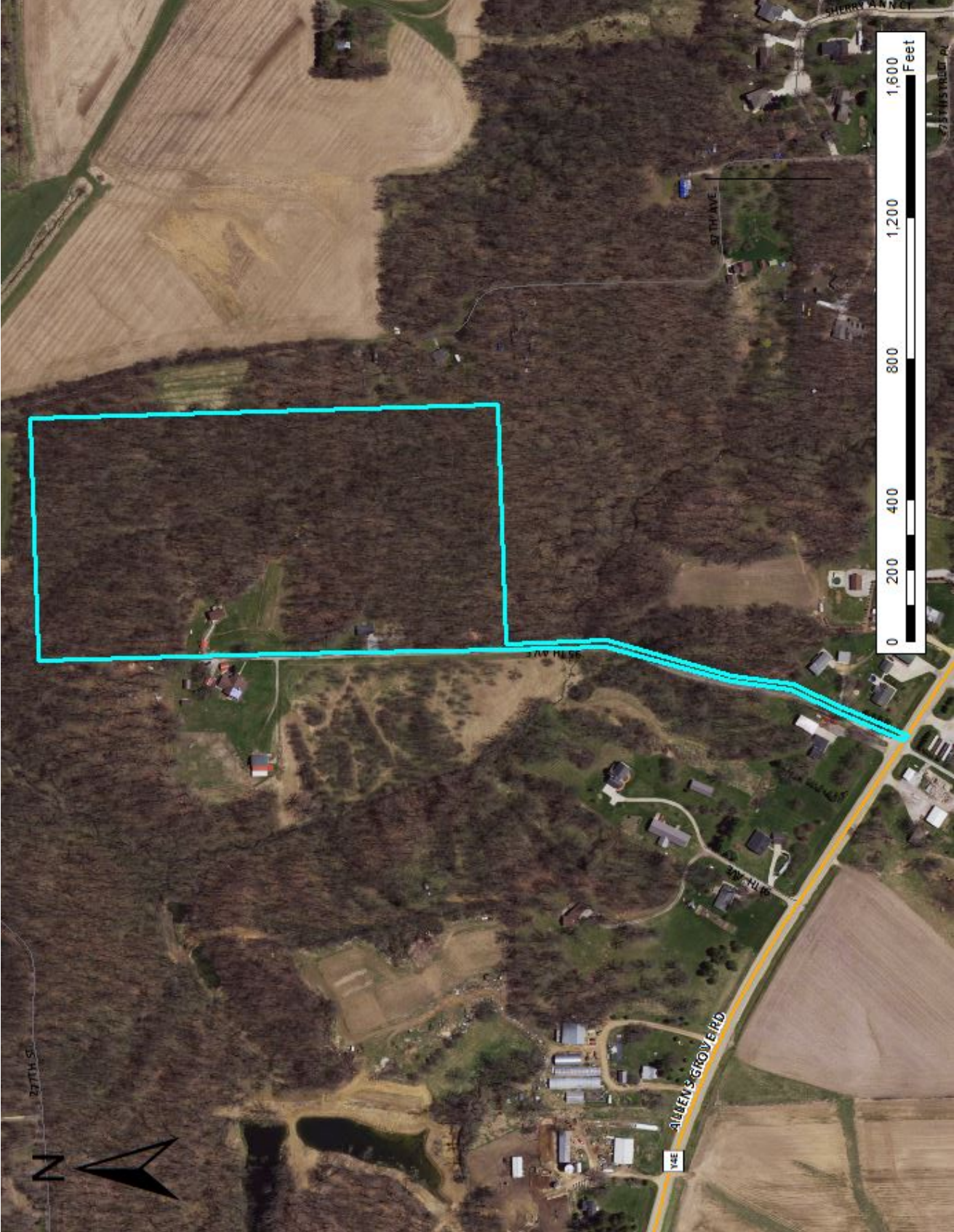
Staff has also notified the County Engineer, County Health Department, Scott County soil conservationist, Bi-State Regional Commission, and the city of Donahue review and comment. Bi-State Regional Commission submitted a review of the request, which generally described it as an appropriate zoning change.

**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  
July 12, 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 22.6 ACRES IN SECTION 27, ALLENS GROVE 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:

The West Half of the Southwest Quarter of the Northeast Quarter of Section 27, Township 80 North, Range 2 East of the 5<sup>th</sup> P.M.

**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.

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Tony Knobbe, Chair  
Scott County Board of Supervisors

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Roxanna Moritz, County Auditor