

PLANNING & DEVELOPMENT

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Item #4
8/21/18

Timothy Huey
Director

To: Mary Thee, Assistant County Administrator

From: Timothy Huey, Planning Director

Date: August 14, 2018

Re: Discussion of Public Hearing and presentation of Planning and Zoning Commission's recommendation on the application of Christopher and Marla Brown to rezone a 3.56-acre tract, more or less, from "Agricultural-Preservation (A-P)" to "Single-Family Residential (R-1)" at the property located at 25600 195th Street, legally described as Part of the NW ¼ of the SE ¼ of Section 5 in LeClaire Township

The Planning Commission unanimously recommended approval of the rezoning in accordance with staff's recommendation. Even though this property is zoned Ag-Preservation it is shown in an area on the Future Land Use Map as anticipated for residential development and also an area to be considered for annexation into the City of LeClaire. The rezoning is intended to allow further subdivision to create two (2) additional home sites to the west of the existing residence on the property.

Prior to the submittal of this application, staff directed the applicant to discuss the possible annexation of this property into the City of LeClaire. City Administrator, Ed Choate, indicated the City was not able to extend City utilities to serve this property cost effectively and therefore he did not see the need to annex this property into LeClaire. The applicant indicated that, due to the property tax implications, he preferred not to have this property annexed.

The applicant was present at the Commission's public hearing to answer any questions from the Commission. No members of the public spoke for or against the request. The Commission discussed the fact that even though this property was zoned A-P it was an existing residential property that had no ag use and it was in an area where all of the adjacent farmland was zoned A-G and was shown on the Future Land Use Map as anticipated for residential development. Furthermore it had existing golf courses on three sides and the City of LeClaire did not express any interest in annexing the property.

The Commission determined that the request met a preponderance of the other criteria of the land use policies to allow this rezoning so that the proposed subdivision of the property to allow two additional residences could be submitted.

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

Vote: All Ayes (5-0)



PLANNING & ZONING COMMISSION

STAFF REPORT

August 7, 2018



- Applicant:** Christopher and Marla Brown
- Request:** Rezone 3.56 acres, more or less, from Agricultural-Preservation (A-P) to Single-Family Residential (R-1)
- Legal Description:** Part of the NW ¼ of the SE ¼ of Section 5 in LeClaire Township
- General Location:** Adjacent to Pebble Creek Golf Course and the corporate limits of the City of LeClaire
- Existing Zoning:** Agricultural-Preservation (A-P)
- Existing Land Use:** Single-family dwelling
- Surrounding Zoning:**
- North:** *City of LeClaire* (Planned One & Two Family Residential (PR-2))
 - South:** Single-Family Residential (R-1)
 - East:** *City of LeClaire* (Planned One & Two Family Residential (PR-2))
 - West:** Agricultural-Preservation (A-P)

GENERAL COMMENTS: This request is to rezone a 3.56 acre tract of land from Agricultural-Preservation (A-P) to Single Family Residential (R-1). According to the petition to rezone, rezoning will allow the applicants to subdivide the single parcel with an existing single-family dwelling into three (3) parcels, each with a development right for one (1) single-family dwelling.

In pursuit of the first Land Use Objective in the Comprehensive Plan to “encourage the majority of future growth to occur within the boundaries of existing cities where adequate public services can be provided,” and given the property’s proximity to the City of LeClaire, staff directed the applicants to first consult with the city to gauge interest in annexation. The applicants and County staff were told by the City Administrator that the city did not find it feasible to provide city services to the property, primarily sewer and water, and that they should pursue their request with the County.

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.



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Is the development on marginal or poor agricultural land?

Containing only timber, grassy areas, and the single existing dwelling, none of the area to be rezoned is currently in agricultural production, though Corn Suitability Ratings (CSR's) range from the mid-teens to mid-80s.

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, 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 immediately adjacent to the city limits of LeClaire and a golf course. 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 recreational land use (golf course), and thus would cause little added disruption to existing agricultural activities.

Does the area have stable environmental resources?

The area to be rezoned is consumed entirely by timber, grassy areas, and the single existing dwelling. The property slopes from the southwest to the northeast with approximately 50 feet of relief. If the area were to be rezoned and later subdivided as intended, the two additional development lots created would be generally flat.

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.



PLANNING & ZONING COMMISSION

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August 7, 2018



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. 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-Preservation (A-P) 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
August 3, 2018



Serving local governments in Muscatine and Scott Counties, Iowa;
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TO: Timothy Huey, Director
Scott County Planning & Development

FROM: Patty Pearson, Senior Planner

DATE: July 31, 2018

RE: Rezoning of 3.56 Acres in LeClaire Township

This memorandum is being submitted in response to a regional zoning review request from Scott County, Iowa. The hearing date is scheduled for Tuesday, August 7, 2018 at 7:00 p.m. The applicants, Christopher and Marla Brown are requesting a rezoning of 3.56 acres more or less from Agricultural-Preservation (A-P) to Single-Family Residential (R-1).

The property is legally described as part of the NW ¼ of the SE ¼ of Section 5, in LeClaire Township, Scott County, Iowa. The parcel address is 25600 195th Street. The property is adjacent to the incorporated city limits of the City of LeClaire.

Having reviewed the information relevant to the proposed rezoning and map amendment, the following items were ascertained. The January 2008 Comprehensive Plan for Scott County, Iowa, shows that the property in the vicinity of this parcel is designated as Residential on the Future Land Use map. There are low density residential and recreation related uses in the vicinity of this parcel.

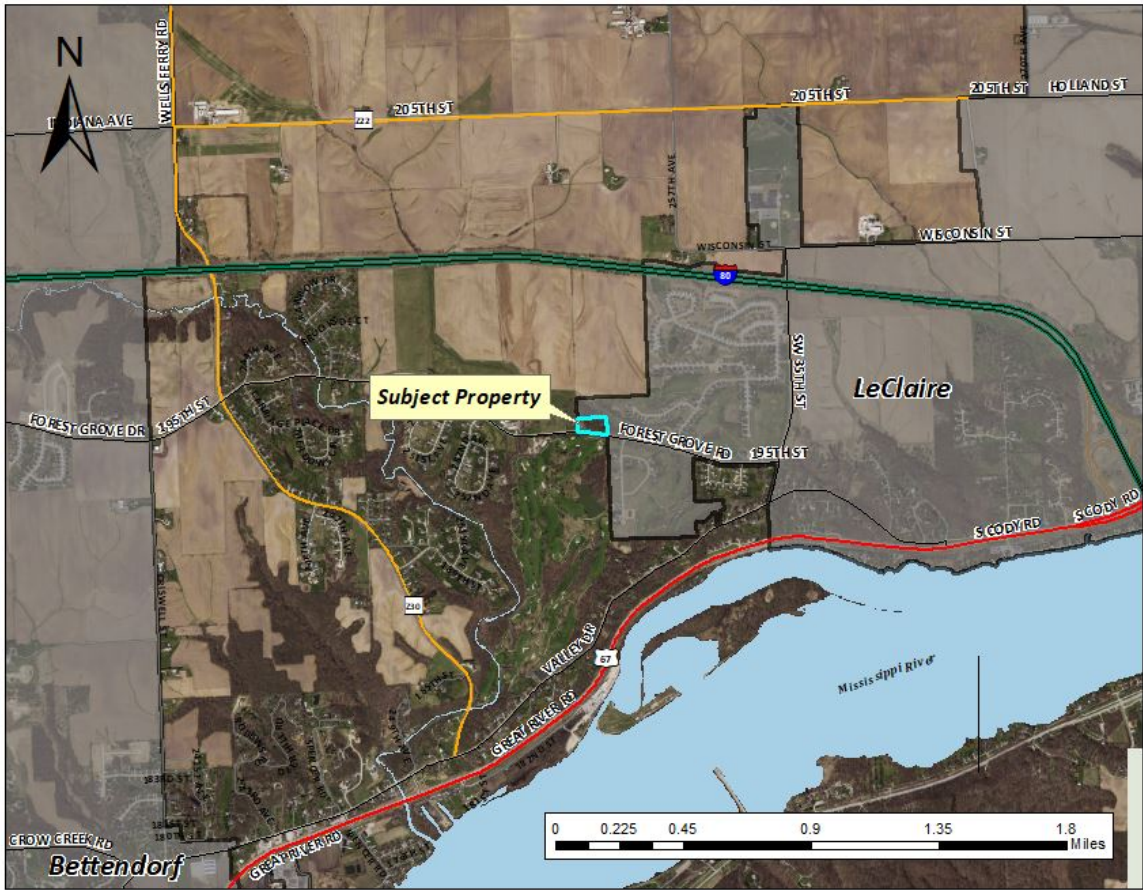
For the rezoning from A-P to R-1, a review of the Comprehensive Land Policies provides guidelines for conversion – access to paved roads, proximity to public services, minimal disruption to existing agriculture, among others. The property would need to have access to 195th Street (paved road), which it has. The property is adjacent to the City of LeClaire, which may be able to provide public services. The parcel does have limitations for septic fields. Low-density residential development already exists in the vicinity of the property, which is consistent with the change in future land use. The 2008 Scott County Comprehensive Plan contains a listing of the County's goals, land use objectives and land use policies that are to be used as part of the land development review process. The request appears to be consistent with the Plan.

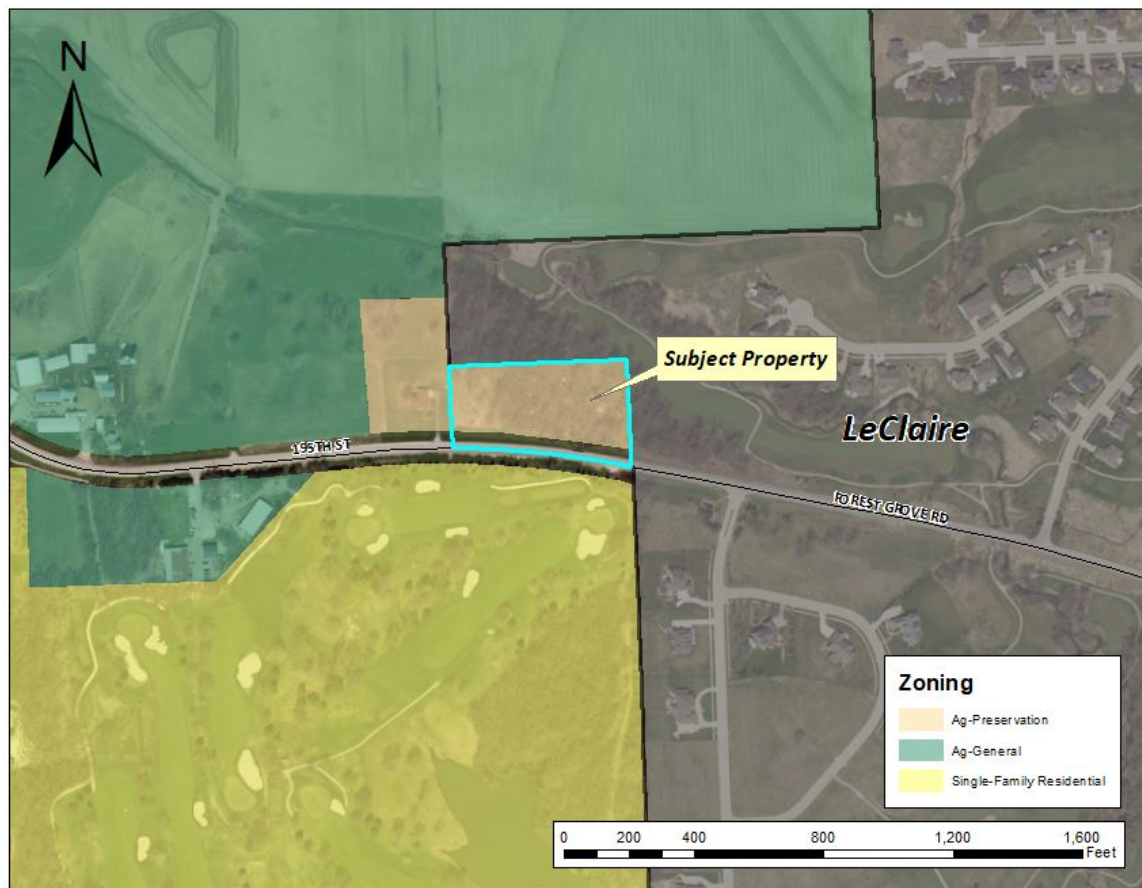


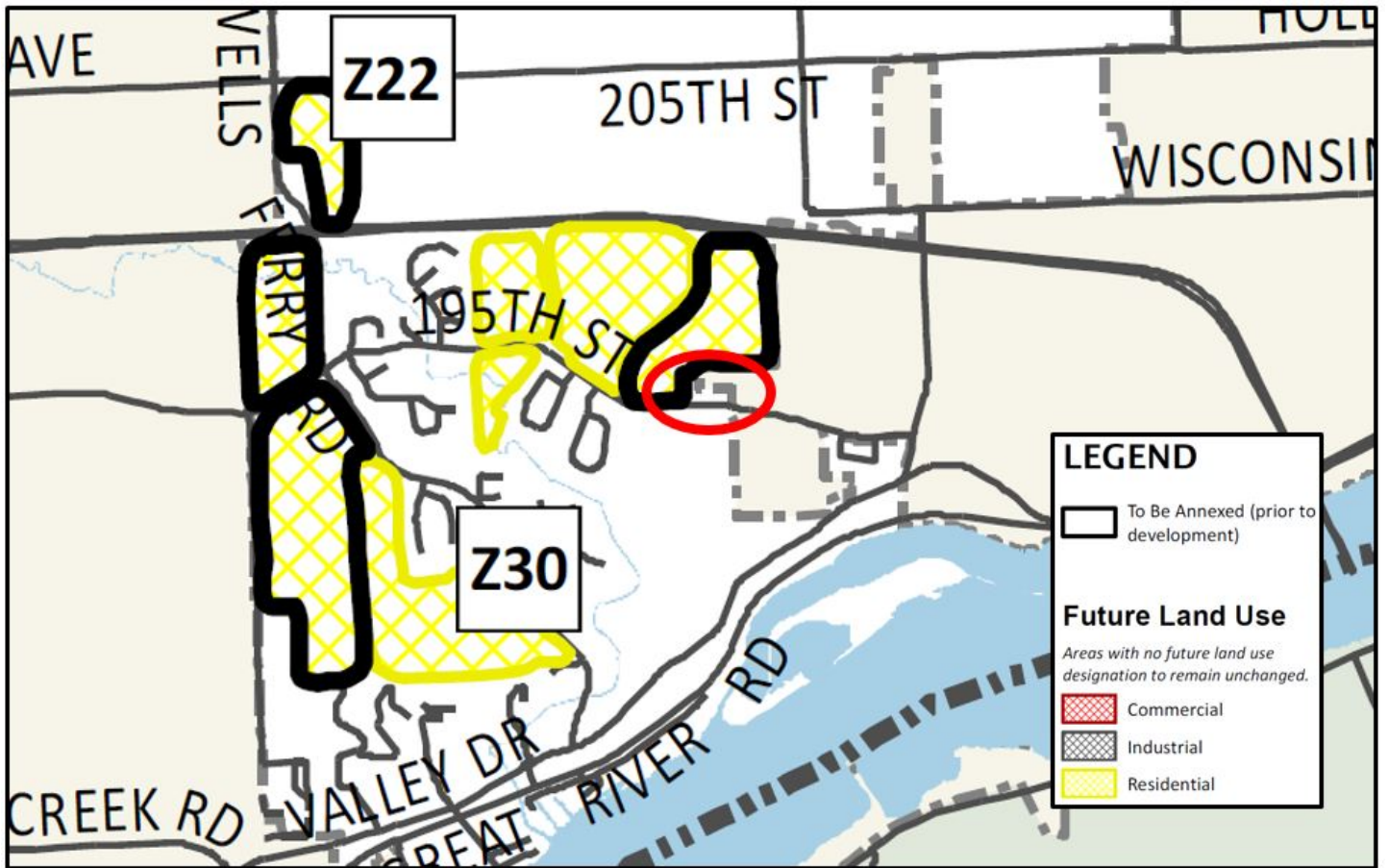
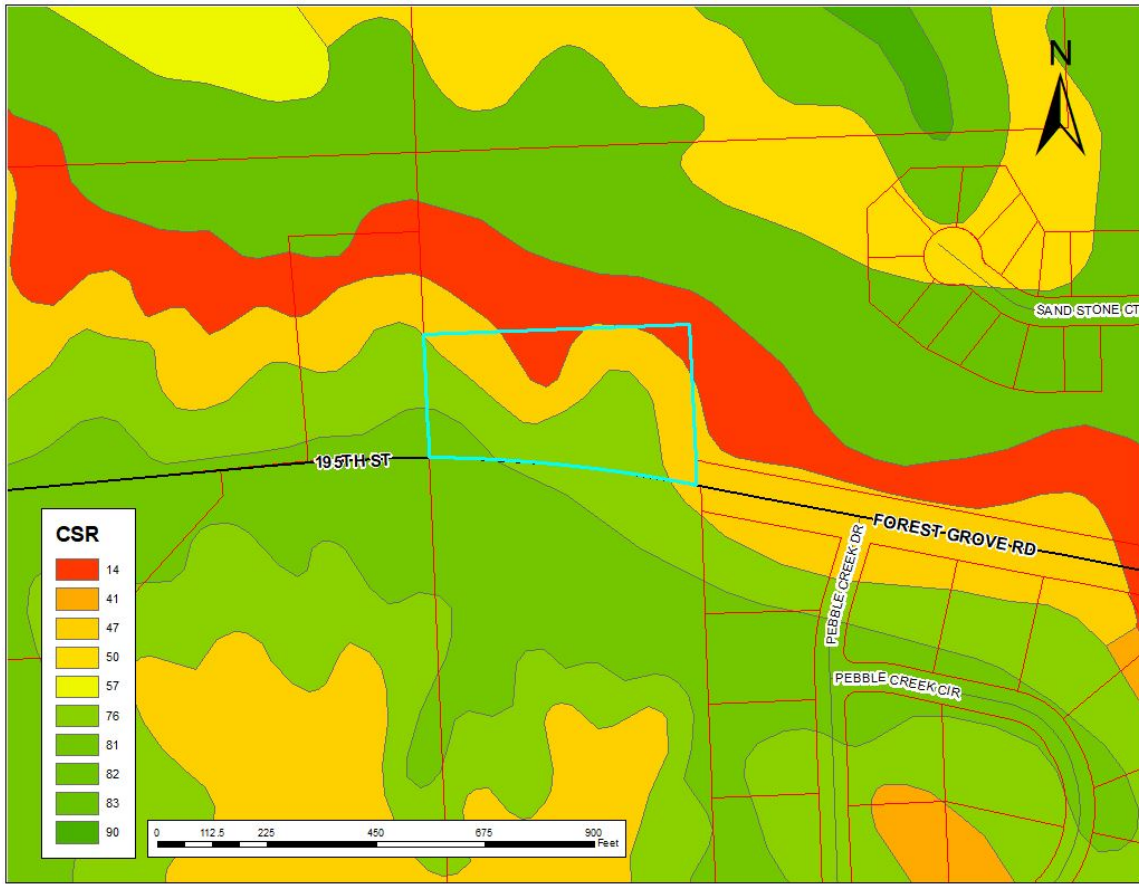
The property is located with the Quad Cities Metropolitan Planning Organization (MPO) Area. The boundary encompasses areas where urban development is expected to occur within a twenty-year horizon. There are no long-range transportation projects programmed/scheduled in the vicinity of the property. The proposed rezoning is not anticipated to impact regional industrial development. The proposed rezoning is not anticipated to impact regional recreational facilities. The parcel is adjacent to a golf course. Erosion control measures and prevention of water runoff onto the golf course and adjacent creek should be under consideration during development. Development should preserve the forested areas, especially in and near the areas of the parcel where the property has slope of 10-25%.

The property is not located in a flood hazard area, groundwater vulnerability zone, high earthquake incident area, or an airport-restricted zone. The proposed rezoning will not have an impact on historic or cultural features, wetlands, wildlife refuges, Indian mounds or forest preserves. It will have some impact on a forested area with removal of trees for house development. According to the 2012 Scott County Hazard Mitigation Plan, the property and vicinity have a high incidence of thunderstorms, which contain frequent cloud to ground lightening, high winds, hail, tornados, and flash flooding.

Should you have any questions regarding this response, please contact me at (309) 793-6300.



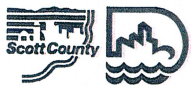




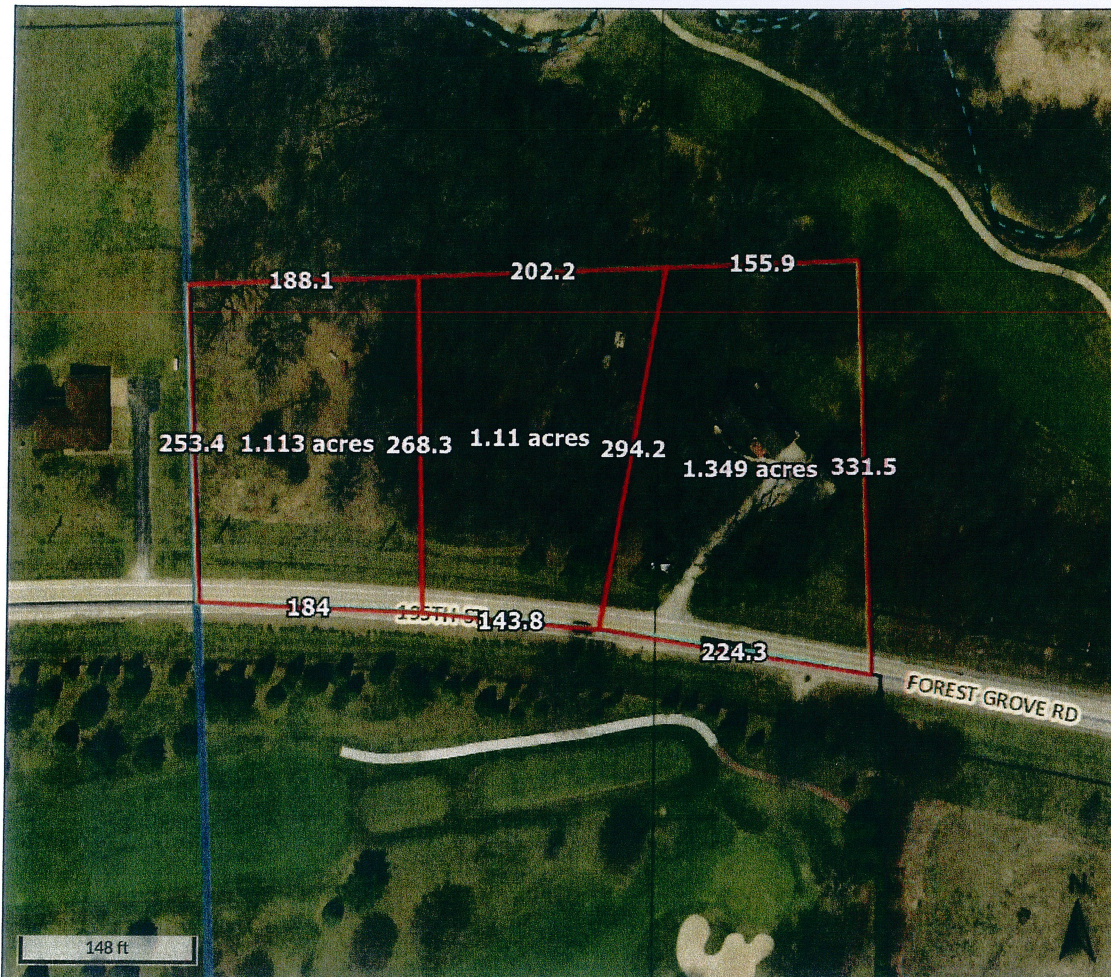


195TH ST

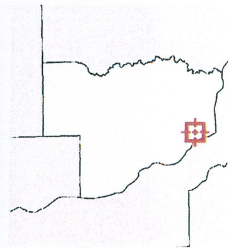




Scott County / City of Davenport, Iowa



Overview



Legend

- Parcels
- Parcel Point
- Political Township
- All Roads**
- Interstate
- US Highway
- State Highway
- County Route
- Major road
- Local roads
- Ramp
- Alleyway/Access Road
- Bike/Pedestrian Trail
- Driveway
- Railroad**
- County Boundary
- Major Rivers and Streams**
- River Centerline
- River Boundary
- Major Stream
- Minor Streams, Other**
- Minor Stream
- Small Lake/Pond
- Drainageways, etc
- Island
- Major Rivers and Lake**
- Lake
- Major Stream
- River
- Minor Lakes and Ponds**

Parcel ID 850537006
 Sec/Twp/Rng 05-78-05
 Property Address 25600 195TH ST
 SCOTT COUNTY
 District LEPU

Alternate ID 1H-M-31
 Class R
 Acreage 2.83
 Graphic Acres 3.56

Owner Address BROWN CHRISTOPHER J
 25600 195TH ST
 BETTENDORF IA 52722