

PLANNING & DEVELOPMENT

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Item #3
9/4/18

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: August 27, 2018

Re: Approval of the first of two readings of an ordinance 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.

The Planning Commission will be reviewing the applicant's minor subdivision submittal at the September 4 Planning Commission meeting. That minor plat proposes to subdivide the property into three lots which would create two additional building sites in this location with access to Forest Grove Road/195th Street. Approval of this rezoning would be a prerequisite prior to approval of any replat of this property.

At the rezoning public hearing the Planning 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)

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 3.56 ACRES IN SECTION 5, LECLAIRE TOWNSHIP FROM AGRICULTURAL-PRESERVATION (A-P) 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-Preservation (A-P), to Single-Family Residential (R-1) to-wit:

Part of the Northwest Quarter of the Southeast Quarter of Section 5, Township 78 North, Range 5 East of the 5th P.M., Scott County, Iowa, particularly described as follows: Beginning at the Northwest corner of the Southeast Quarter of Section 5; thence South on the West line of the Southeast Quarter of said Section 5 a distance of 652.5 feet to the center line of the existing Township Road; thence South 89 degrees 15 feet East along the center line of said Township Road for a distance of 314.15 feet; thence South 70 degrees 30 feet East along the center line of said Township Road a distance of 246.84 feet; thence North parallel to the West line of the Southeast Quarter of said Section 5 a distance of 366 feet; thence West parallel to the North line of the Southeast Quarter of said Section 5 546.81 feet to a point on the West line of the Southeast Quarter of said Section 5 thence South to the point of beginning containing 5 acres, more or less, and subject to existing public highway.

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