

PLANNING & DEVELOPMENT

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Item #4
10/16/18

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: October 9, 2018

Re: Discussion of Public Hearing and Planning and Zoning Commission recommendation on an application to rezone 13.2 acres, more or less, from Single-Family Residential (R-1) to Agricultural-General (A-G) legally described as Lot 2 of Great River Hills Addition in Section 14 of LeClaire Township and located on the west side of Great River Road, ¼ mile south of 235th Street

This request is to rezone a 13.2-acre tract of land from Single Family Residential (R-1) back to Agricultural-General (A-G). This rezoning is to allow the applicant to request approval of a Special Use Permit for a winery and wine production facilities, tasting room and associated event center on this property. In a separate request, the applicant is petitioning for an amendment to the Zoning Ordinance text that would allow wineries and associated facilities as Special Permitted Uses in the A-G district. The applicant has indicated that, if the zoning text amendment and this zoning map amendment is approved by the Board of Supervisors, he would pursue approval of a Special Use Permit through the Zoning Board of Adjustment to operate a winery on the property. The text amendment and rezoning would have to be approved, then the Special Use Permit would have to be reviewed and approved, followed by the approval of a Site Plan Review, before any winery-related activities could take place on the property. Agricultural activities like growing grapes are allowed (and generally would be ag-exempt) in all zoning districts in rural Scott County.

This property is a portion of a larger 100-acre tract, the former Olathea Golf Course property, which was rezoned from A-G to R-1 on May 3, 2018. It was subsequently subdivided into four relatively large lots, including the 13-acre lot included in this application.

The Planning Commission unanimously recommended approval of both this rezoning map amendment and the associated text amendment to allow consideration of the development of a winery and associated facilities on this property. The Planning Commission will also be reviewing and making a recommendation on Land Use Policies to be used to evaluate and set the standards and conditions of approval of any such requests.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone 13.2 acres (more or less) from Single-Family Residential (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
October 2, 2018



Applicant: Michael Rubino

Request: Rezone 13.2 acres, more or less, from Single-Family Residential (R-1) to Agricultural-General (A-G)

Legal Description: Lot 2 of Great River Hills Addition in Section 14 of LeClaire Township

General Location: On the west side of Great River Road, ¼ mile south of 235th Street

Existing Zoning: Single-Family Residential (R-1)

Existing Land Use: Former Olathea Golf Course property

Surrounding Zoning:

- North:** Single-Family Residential (R-1), Agricultural-General (A-G)
- South:** Single-Family Residential (R-1)
- East:** Great River Road, Mississippi River
- West:** Single-Family Residential (R-1)

GENERAL COMMENTS: This request is to rezone a 13.2-acre tract of land from Single Family Residential (R-1) back to Agricultural-General (A-G). According to the petition to rezone, this rezoning is to allow the applicant to grow grapes for the production of wine on this property. In a separate request, the applicant is petitioning for an amendment to the Zoning Ordinance text that would allow wineries as Special Permitted Uses in the A-G district. The applicant has indicated that, if the amendment is approved by the Board of Supervisors, he would pursue approval of a Special Use Permit through the Zoning Board of Adjustment to operate a winery on the property. The text amendment and rezoning would have to be approved, then the Special Use Permit would have to be reviewed and approved, followed by the approval of a Site Plan Review, before any winery-related activities could take place on the property. Agricultural activities like growing grapes are allowed (and generally would be ag-exempt) in all zoning districts in rural Scott County.

This property is a portion of a larger 100-acre tract, the former Olathea Golf Course property, which was rezoned from A-G to R-1 on May 3, 2018. It was subsequently subdivided into four relatively large lots, including the 13-acre lot included in this application.

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:



PLANNING & ZONING COMMISSION
STAFF REPORT
October 2, 2018



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 an appropriate area for residential land use, but as stated previously, it recently was zoned Ag-General. The Future Land Use Map is meant to act as a general guide when development is proposed and does not **require** the development of areas to be for the land use shown on the map. Any rezoning is reviewed on whether it meets a preponderance of all the criteria included in the land use policies.

Is the development on marginal or poor agricultural land?

The fact that this area is proposed to be rezoned back to A-G and the majority of the property would be planted as a vineyard would reduce the applicability of this criteria since the proposed use is agricultural. However, the area to be rezoned was previously a part of a 9-hole golf course that sat on a larger tract about 98 acres in size. The 98-acre tract has Corn Suitability Ratings (CSR's) ranging from 5 to 85. The County's land use policies consider any soils with ratings above 60 as prime agricultural land. This particular portion of the golf course property has CSRs ranging between 50 and 83, and is presumably, well suited for growing grapes.

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

The area to be rezoned has frontage along Great River Road, an adequately-constructed, paved State highway. The State DOT would have to approve all approach permits to serve this property. Its frontage and access to this major highway makes it well suited as a location for the proposed attraction.

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. The County Health Department did not have any comments or concerns regarding the proposal at this time.

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

The proposed use of vineyard, winery, tasting room and event center are uses that generally locate in rural settings. The area to be rezoned is about ½ mile south of the City of Princeton and about 2 miles north of the City of LeClaire, both of which have existing employment centers and commercial areas. There has been an historic trend of residential development among the bluffs along the Mississippi River in the unincorporated areas of the county, so the area to be rezoned is near, but not immediately adjacent to existing residential development to the south and north. Since the proposal is driven by the property's rural location, it would not be seen as encouraging urban sprawl.



PLANNING & ZONING COMMISSION
STAFF REPORT
October 2, 2018



Is the proposed development located where it is least disruptive to existing agricultural activities?

The proposed use of the property as a vineyard staff could be considered compatible with both nearby residential development and agricultural activities. The need for buffering or other measures to reduce the impact of a winery on this property can be considered with any Special Use Permit application.

Does the area have stable environmental resources?

The topography and eastern sun exposure, along with the soil types on the property, presumably lends itself to growing grapes. The use as a vineyard would make erosion control and protection of the property's environmental qualities crucial to such an enterprise. Furthermore the applicants have expressed the intention to create a water feature and landscaping that enhance visitors' enjoyment of the property.

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

As stated above, any determination of a need for buffering can be addressed during the Special Use Permit review.

Is there a recognized need for such development?

The applicants have made the determination that this is an optimal location for the proposed uses.

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 Princeton for review and comment.

RECOMMENDATION: Staff recommends that the rezoning of this property from Single-Family Residential (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
September 27, 2018

PLANNING & DEVELOPMENT

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Davenport, Iowa 52801-1106

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Timothy Huey, Director

Rezoning Petition

10/3

Date 8 / 28 / 2018

Dear Scott County Planning and Zoning Commission Members:

Michael Rubino, owners (purchasers) developers of the below described real estate, petition the Planning and Zoning Commission to consider re-zoning this property from R1 to AG 2 General. For the request to the Commission, please find the attached 13 copies of the plat/site plan and the filing fee of \$_____.

Number of acres to be re-zoned: 13.221

Legal Description (Attach separate sheet if necessary)

Lot 2 Great River Hills Addition

Statement of Intended Use: The intended new use of the property would include the following:

The intended use of the property is to farm and grow up to 5 acres of grape vines, build a wine production facility, tasting room, and event center to promote AG-tourism within Scott County.

How Will Such Use Comply With the Scott County Plan and Land Use Policies?

This parcel has recently been rezoned R1 from AG2. The vineyard and winery will return the undeveloped parcel back to agriculture, which is consistent with the...
(see back side)

Respectfully submitted,

Michael C. Rubino

Signature

Michael Rubino

Name of Applicant (printed)

3945 Wakonda Dr.

Mailing Address

Bettendorf / IA / 52722

City / State / Zip

(563) 349-3498

Phone

Susan K. Leander

Signature

Susan K. Leander
Name of Owner (if different from applicant)

23200 Great River Road

Mailing Address

LeClaire, IA 52753

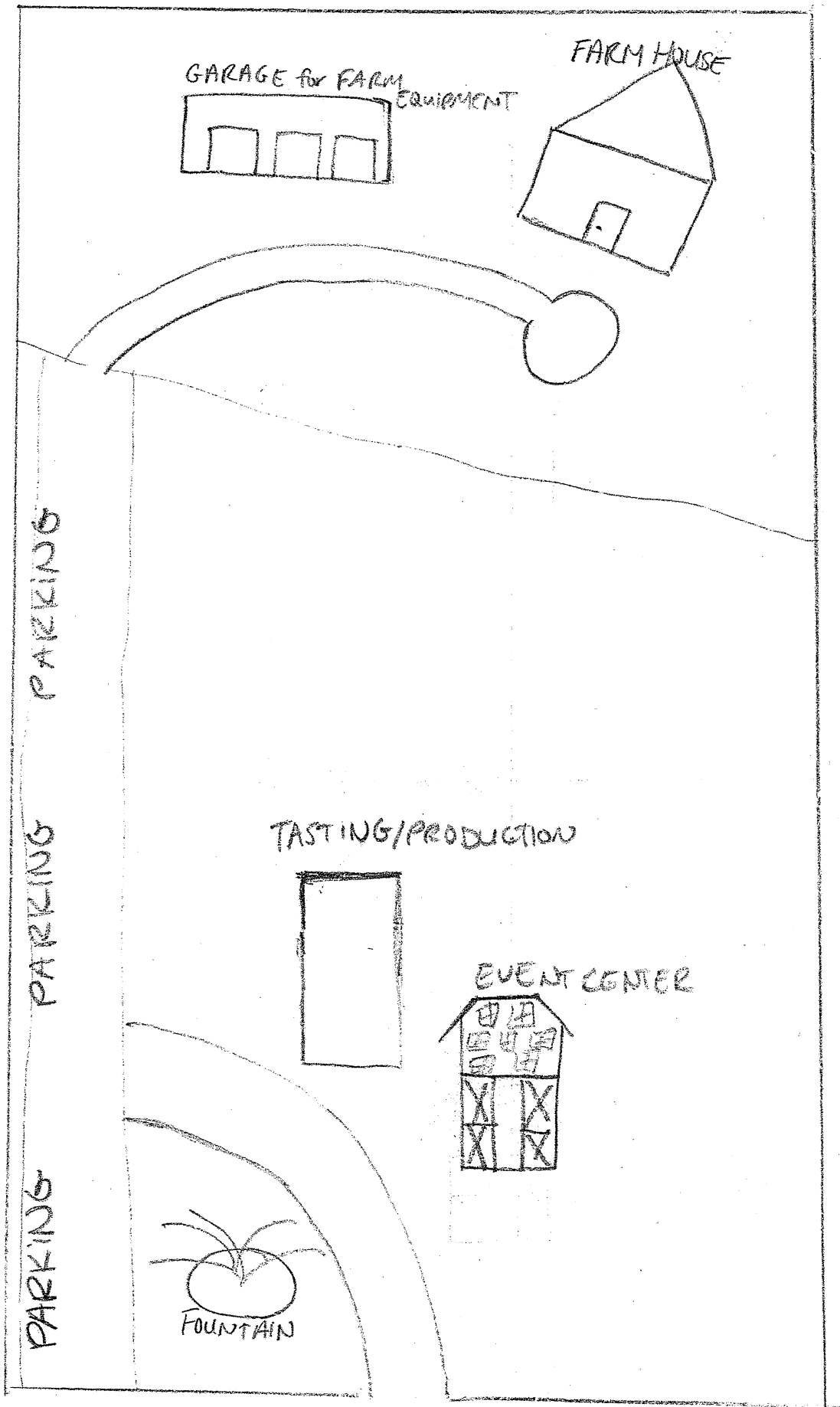
City / State / Zip

563-320-2392

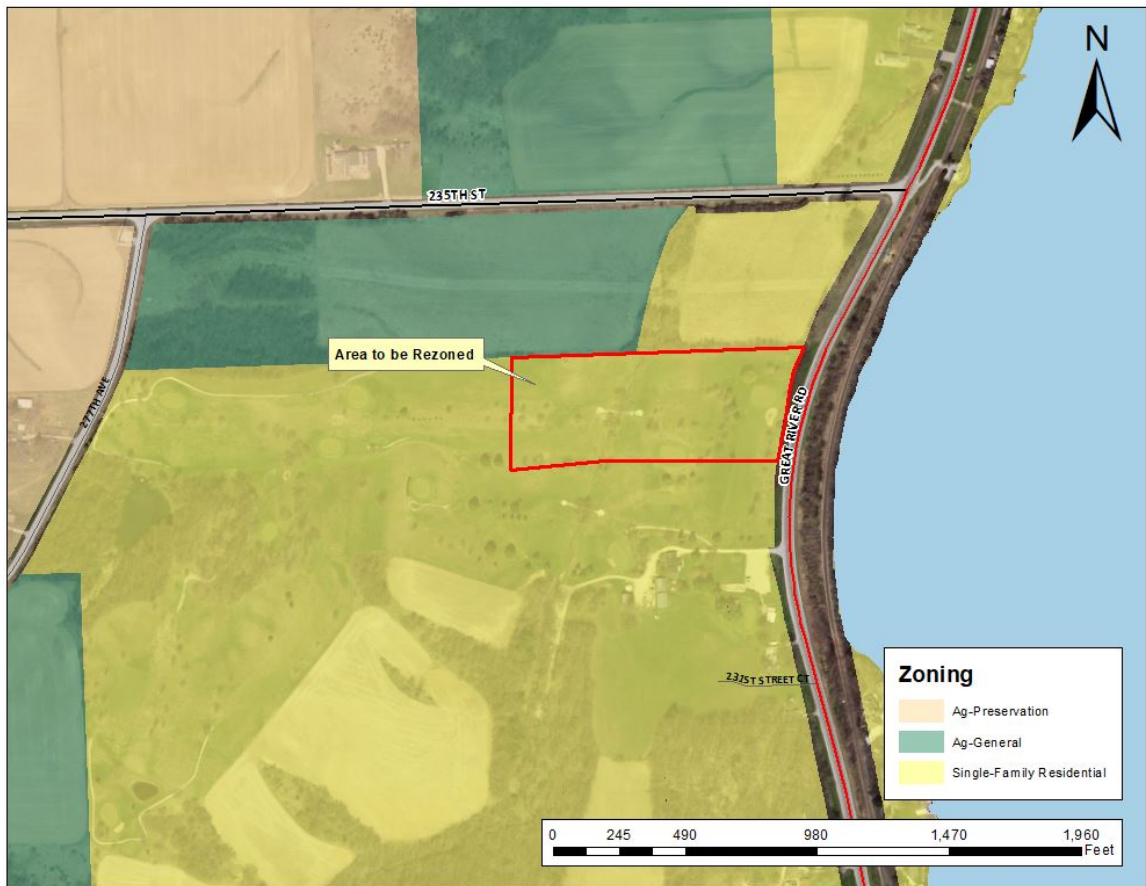
Phone

Received by US \$116 pd 9/5
Zoning Staff

future land use map. Prior to being rezoned R-1, the parcel had been used as a golf course. The land will be returned to a family farm and maintained by using best available farming practices while encouraging ag-tourism.



GREAT RIVER ROAD





235TH ST

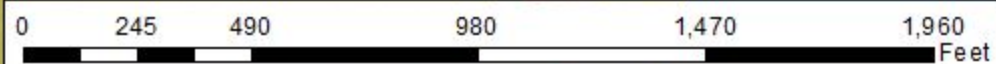
Area to be Rezoned

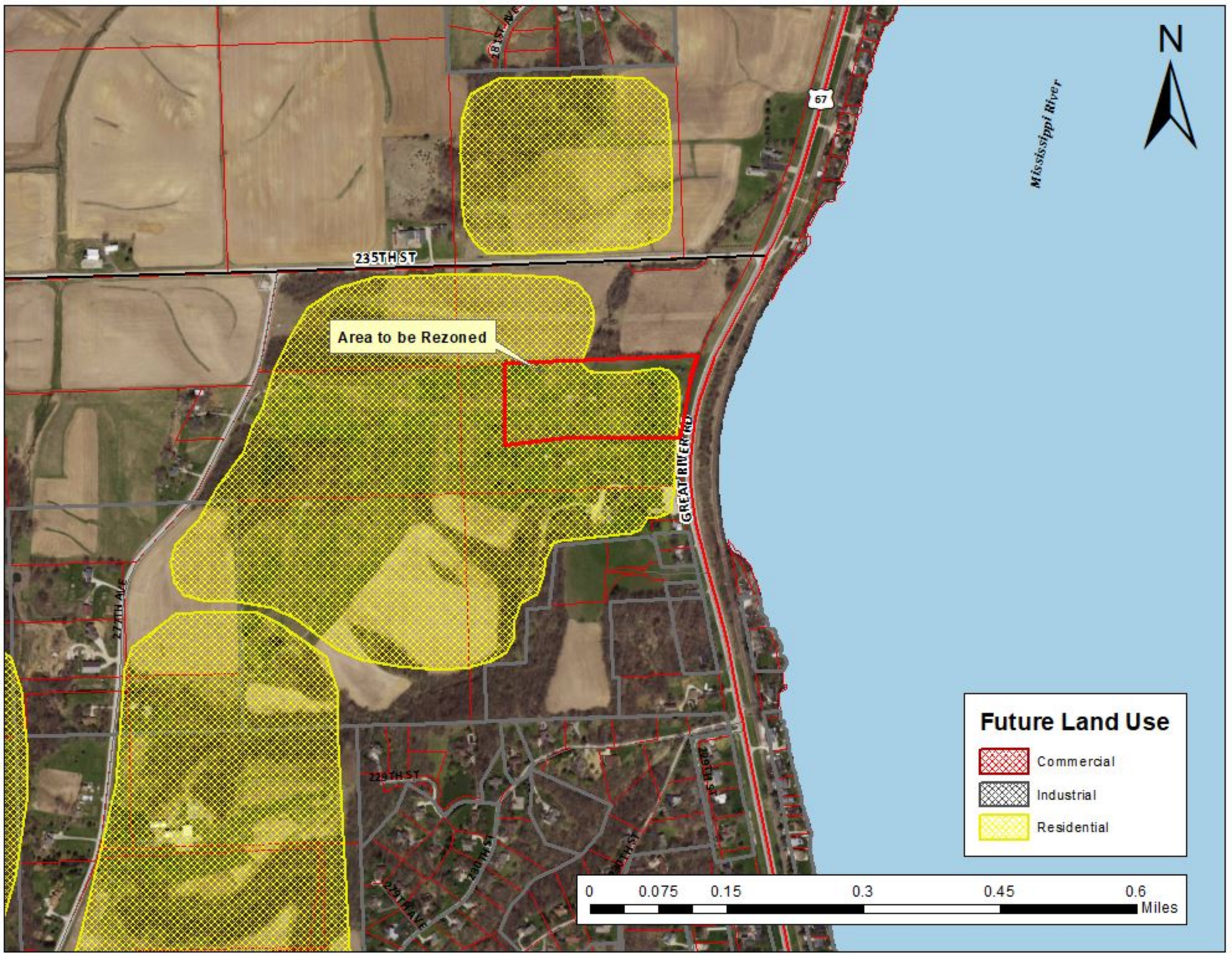
GREAT RIVER RD

237ST STREET CT

Zoning

- Ag-Preservation
- Ag-General
- Single-Family Residential





235TH ST

Area to be Rezoned

GREAT RIVER RD

229TH ST

228TH ST

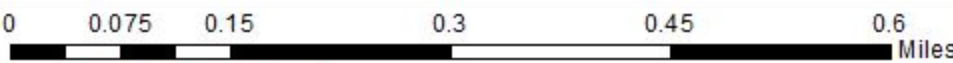
225TH AVE

67

Mississippi River

Future Land Use

-  Commercial
-  Industrial
-  Residential



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 13.2 ACRES IN SECTION 14, LECLAIRE 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:

Lot 2 of Great River Hills Addition
Section 14, LeClaire Township

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