

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: March 26, 2019

Re: Discussion of Public Hearing and presentation of Planning and Zoning Commission's recommendation on the application of Joseph Smith DBA Forest Grove Partners LLC to rezone a 1.46 acre tract, more or less, from "Agriculture-Preservation District (A-P)" to "Single-Family Residential District (R-1)," legally described part of the SW¹/₄NW¹/₄ of Section 5, Pleasant Valley Township.

The Planning Commission unanimously recommended approval of this rezoning in accordance with staff's recommendation. Even though the property is currently zoned Ag-Preservation (A-P) it is shown in an area on the Future Land Use Map as anticipated for residential development. There are two existing houses on this 1.46 acre parcel. The rezoning is intended to allow this lot containing two (2) houses to be subdivided into two lots, one lot for each house. Approval of this rezoning will not allow any additional houses to be constructed.

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 the adjacent property on the south side of Forest Grove Road is zoned R-1 and is fully developed with residential subdivisions.

The Commission determined that the request met a preponderance of the criteria of the land use policies so that the property can be divided to create a separate lot for each existing residence.

PLANNING COMMISSION RECOMMENDATION: To approve 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

March 19, 2019



- Applicant:** Joseph Smith DBA Forest Grove Partners
- Request:** Rezone a 1.46 acre parcel from Agricultural Preservation (A-P) to Residential Single-Family (R-1)
- Legal Description:** 1.46 Acre Parcel, located in Part of the SW¹/₄NW¹/₄ of Section 5 of Pleasant Valley Township.
- General Location:** Approximately ½ mile west of the incorporated city limits of the City of LeClaire and 1 mile east of city limits of the City of Bettendorf on the north side of 195th Street (Forest Grove Road).
- Existing Zoning:** Agricultural-Preservation (A-P)
- Proposed Zoning:** Single Family Residential (R-1)
- Surrounding Zoning:**
- North:** Agricultural-General (A-G)
 - South:** Single Family Residential (R-1)
 - East:** Agricultural-General (A-G)
 - West:** Agricultural-Preservation (A-P)

GENERAL COMMENTS: This request is to rezone a 1.46-acre parcel of land from Agricultural-Preservation (A-P) to Residential Single-Family (R-1). The rezoning application states that the purpose of the rezoning is to allow the current lot containing two (2) houses to be subdivided, one lot for each house. There are two existing houses on the 1.46 acre parcel.

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 any land use change. It is merely to create separate lots for two existing houses.

Is the development on marginal or poor agricultural land?

Containing two single existing dwellings, none of the area to be rezoned is currently in agricultural production which would limit the applicability of this criteria.



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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 near the 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 of this property is appropriate for future residential development. Since the proposal is, as stated above, merely to create separate lots for two existing houses. 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 generally flat and approval of this rezoning will not result in any additional development.

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?

Again, approval of this rezoning will not result in any additional residential development.

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.



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Staff has 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
March 15, 2019

PLANNING & DEVELOPMENT

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Timothy Huey,
Director

**NOTICE OF SCOTT COUNTY BOARD OF SUPERVISORS
PUBLIC HEARING FOR REZONING**

In accordance with Section 6-31 of the Revised Zoning Ordinance for Unincorporated Scott County, the Board of Supervisors will review a proposed rezoning on **Thursday, April 4, 2019 at 5:00 P.M.** This notice is being sent to all property owners of record within 500 feet of the area in question. The meeting will be held in the **1st Floor Board Room of the Scott County Administrative Center, 600 W. 4th Street, Davenport, Iowa 52801.**

The Scott County Board of Supervisors will hear the request of **Joseph Smith DBA Forest Grove Partners** to rezone a 1.46 acre tract, more or less, from “Agricultural-Preservation (A-P)” to “Single-Family Residential (R-1),” legally described as part of the SW¼NW¼ of Section 5, Pleasant Valley Township. According to the petition to rezone, the intended purpose of the rezoning request is to allow the two existing houses to be platted on two separate lots.

On March 19, 2019 the Planning and Zoning Commission held a public hearing, took comments, and with unanimous vote made a recommendation to approve the rezoning of this 1.46-acre tract, more or less, from “Agricultural-Preservation (A-P)” to “Single-Family Residential (R-1)” based on the Commission’s determination that the application did meet a preponderance of the criteria of the Scott County Land Use Policies for such a zoning change.

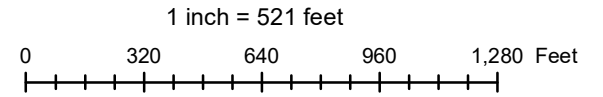
If you have any questions or comments regarding this meeting or proposal, please call or write the Planning and Development Department, Scott County Administrative Center, 600 West Fourth Street, Davenport, Iowa 52801, (563) 326-8643, or attend the meeting.

Timothy Huey
Director



Location - Forest Grove Partners, Rezoning (A-P to R-1)

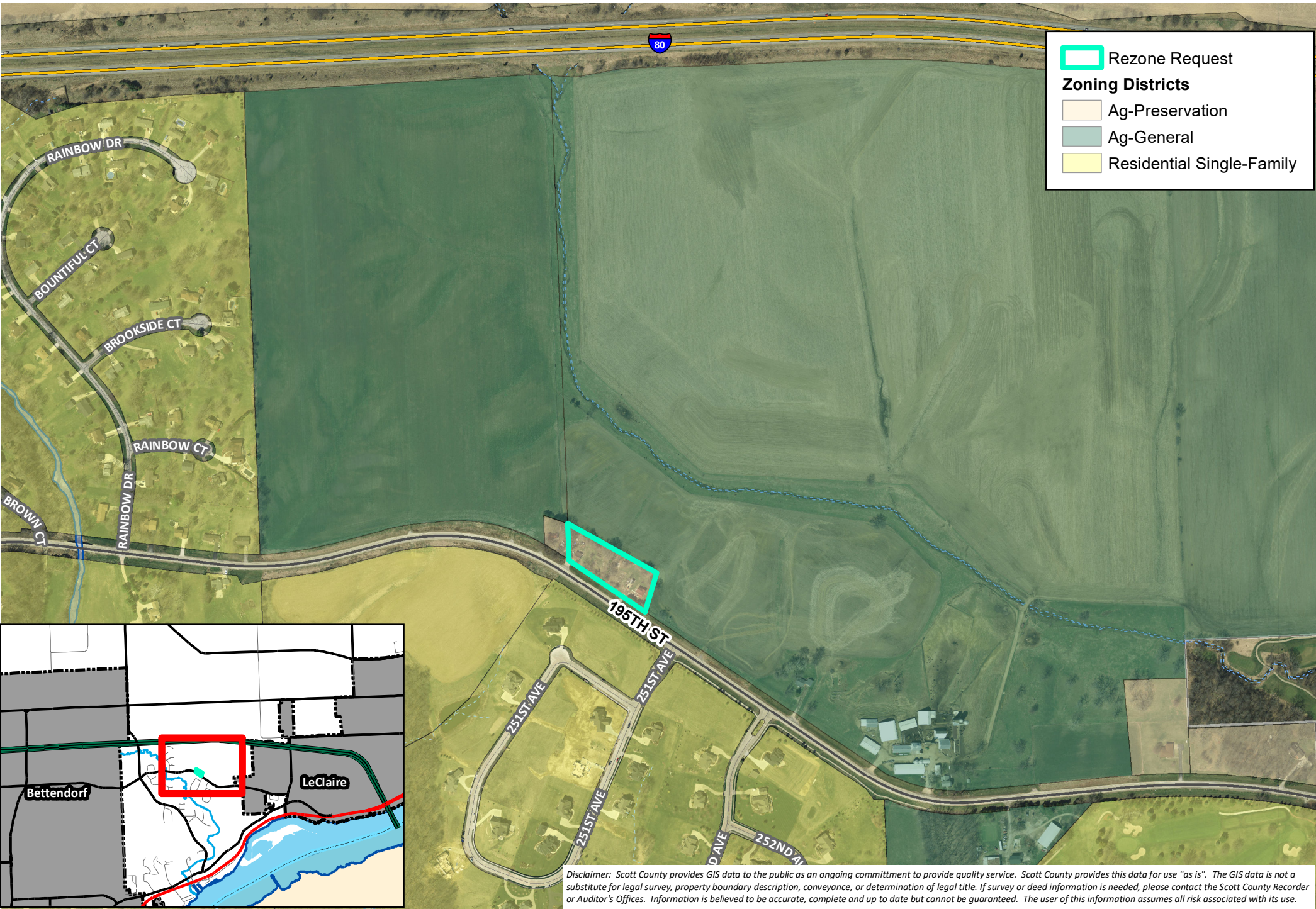
Scott County, Iowa



Rezone Request

Zoning Districts

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



Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed information is needed, please contact the Scott County Recorder or Auditor's Offices. Information is believed to be accurate, complete and up to date but cannot be guaranteed. The user of this information assumes all risk associated with its use.