

## PLANNING & DEVELOPMENT

600 West Fourth Street  
Davenport, Iowa 52801-1106  
E-mail: [planning@scottcountyiaowa.com](mailto:planning@scottcountyiaowa.com)  
Office: (563) 326-8643 Fax: (563) 326-8257



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Timothy Huey  
Director

To: Mahesh Sharma, County Administrator

From: Taylor Beswick, Planning & Development Specialist

Date: September 8, 2020

**Re: Discussion of Public Hearing and presentation of Planning and Zoning Commission's recommendation on the application of Bradley Meyer DBA Paul Meyer Chemical, Inc. to rezone a 7.26 acre tract, more or less, from "Agriculture-Preservation District (A-P)" to "Agricultural Commercial Service Floating District (ACS-F)" legally described part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 16 in Hickory Grove Township ([Parcel# 921635003](#))..**

On September 1, 2020, the Planning and Zoning Commission unanimously recommended approval of this rezoning in accordance with staff's recommendation, with four (4) conditions. The area requested for rezoning is currently zoned A-P, located to the south of a 7.41 acre parcel, zoned ACS-F. This is the current location of Paul Meyer Chemicals, Incorporated. The applicant states the rezoning would allow the business to expand their property 750 feet to the south and construct a dry fertilizer storage building. The proposed 80' X 120' foot storage structure will be located in the northeast area of the area to be rezoned.

The Area requested to be rezoned is a tract of land currently part of a 57.7 acre parcel containing tilled agriculture land. Upon approval of the rezoning, the tract of land will be procured through administratively approved Boundary Line Adjustment (BAS) with a Plat of Survey in accordance with the Scott County Subdivision Ordinance.

The applicant was present at the Commission's public hearing to answer any questions from the Commission. One neighbor, Lee Friederichs (8815 New Liberty Road), spoke at the hearing with concerns of increased light-spillage from the expansion of the business. He is not opposed to the expansion as long as any new lighting does not illuminate adjacent properties.

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.

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**PLANNING COMMISSION RECOMMENDATION:** To approve the request to rezone this property from Agricultural-Preservation (A-P) to Agricultural Commercial Service Floating District (ACS-F) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies with the following four (4) conditions:

1. All changes to the site plan be approved by Scott County Planning & Development Department;
2. All building plans be submitted and approved by the Scott County Planning & Development Department;
3. All State requirements be met for the storage of dry fertilizer; and
4. Any lighting for the expansion of the business limit light-spillage on neighboring properties.

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



PLANNING & ZONING COMMISSION

STAFF REPORT

September 1, 2020



- Applicant:** Bradley Meyer DBA Paul Meyer Chemical, Inc.
- Request:** Rezone 7.26 acres from Agricultural Preservation (A-P) to Agricultural Commercial Service Floating District (ACS-F)
- Address:** 8495 New Liberty Road, Walcott
- Legal Description:** Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 16 in Hickory Grove Township ([Parcel# 921635003](#))
- General Location:** Approximately  $\frac{1}{2}$  mile west of the incorporated city limits of the City of Maysville along New Liberty Road. Area requested to be rezoned is a 7.26 acre tract of land, more or less, proposed to be purchased from Paul Meyer Revocable Trust. The tract of land is located to the south of the current business at 8495 New Liberty Road, Walcott and is currently part of a 57.7 acre parcel containing tilled agriculture land.
- Existing Zoning:** Agricultural-Preservation (A-P)
- Proposed Zoning:** Agricultural Commercial Service Floating District (ACS-F)
- Surrounding Zoning:**
- North:** Agricultural Commercial Service Floating District (ACS-F)
  - South:** Agricultural-Preservation (A-P)
  - East:** Agricultural-Preservation (A-P)
  - West:** Agricultural-Preservation (A-P)

**GENERAL COMMENTS:** This request is to rezone 7.26 acres from Agricultural Preservation (A-P) to Agricultural Commercial Service Floating District (ACS-F). The area requested for rezoning is adjacent to a 7.41 acre parcel, zoned ACS-F and the location of Paul Meyer Chemicals, Incorporated. The applicant states the rezoning would allow the business to expand their property 750 feet to the south and construct a dry fertilizer storage building. The proposed 80' X 120' foot storage structure will be located in the northeast area of the area to be rezoned.

The Area requested to be rezoned is a tract of land located to the south of the current business at 8495 New Liberty Road, Walcott and is currently part of a 57.7 acre parcel containing tilled agriculture land. Upon approval of the rezoning, the tract of land will be procured through administratively approved Boundary Line Adjustment (BAS) with a Plat of Survey in accordance with the Scott County Subdivision Ordinance.

The A-P zoning District is not intending for commercial or industrial uses, except as



PLANNING & ZONING COMMISSION

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provided through the provision for overlay districts (floating district). The “ACS-F” Agriculture Commercial Service Floating District is intended and designed to serve the agriculture community by allowing agriculture commercial service development to locate in certain unincorporated areas. The site plan approval will occur in conjunction with the rezoning review and approval. The standards, criteria and conditions of approval will be applied, as deemed appropriate and applicable, during the rezoning review and approval process.

**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.

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

The area to be rezoned is currently in agricultural production. The CSR rating ranges from 70 to 90.

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

The area to be rezoned is adjacent to the current business, Paul Meyer Chemical, Inc., and has frontage along New Liberty Road, an adequately-constructed, paved County road.

*Does the proposed development have adequate provision for public or private sewer and water services?*

The property to be rezoned will serve as an expansion to the current business which currently has well and septic. The Health Department requires the placement of the storage building at least 100 feet from the water well and that the storage building have a separate septic system if it is to have any plumbing systems.

*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 Maysville. In addition, the area to be rezoned is adjacent to 7.7 acre parcel zoned ACS-F containing Paul Meyer Chemical, Inc.



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*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 commercial light industrial land use, 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 only result in the development of a storage structure.

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

The original site plan review in 1993 for Paul Meyer Chemical deemed the site to be sufficiently buffered from other less intensive land uses. The property to be rezoned and the current business site are surrounded by tilled agricultural land. No development has occurred in the vicinity of the property in the past 25 years.

*Is there a recognized need for such development?*

Paul Meyer Chemical, Inc. has been successful over the years and sees the need to expand their local storage of dry fertilizer on-site. Currently, fertilizer is transported directly to the field.

**Criteria for Land to be Rezoned “ACS-F”**

*The proposed facility shall be defined as including the buildings, improvements, maneuvering and parking area, and storage area which are graveled or paved. The facility must be located on a tract of ground where the main entrance to the facility is on or within 660 feet of a paved public road.*

The business currently has an entrance that meets this criteria.

*The entrance to the facility must have at least 1,000 feet line of sight in both directions on the public road. The County Engineer will approve the location of the main entrance in accordance with the Iowa Department of Transportation standards and specifics and Appendix I of the Scott County Subdivision Ordinance.*

The business currently has an entrance that meets this criteria.



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*The separation spacing between the facility and any property line shall be at least 50 feet. The separation spacing to the closest neighbor's home and accessory buildings shall be at least 400 feet at time of application. The separation spacing to a residential zoning district shall be at least 400 feet.*

The proposed storage structure on the development site is setback at least 50 feet from all property lines. The nearest neighbor's home and accessory building is located to the west at 8397 New Liberty Road and is approximately 925 feet away from the development site. The nearest residential zoning district is located within the City of Maysville and is spaced ½ mile from the development site.

*The facility must not be located in a designated 100-year floodplain or within 200 feet of any river, stream, creek, pond, or lake or 400 feet of another environmentally sensitive area, park, or preserve.*

The development site is not located in a designated floodplain and is approximately 1,600 feet to the north of from Hickory Creek.

*The minimum lot size shall be one (1) acre.*

The proposed site is 7.26 acres, surpassing this criteria.

*Facility shall be surrounded by an adequate security system to deny public access to potentially hazardous areas.*

The applicant is proposing to secure the site lockable sliding doors.

*Advertising signs shall not be larger than 100 square feet.*

The applicant is proposing an expansion of a business located adjacent to the development site and is not adding additional signs.

*Underground storage shall not be allowed on site.*

The applicant is proposing a above-ground storage structure for fertilizer.

### **Public Comment & Department Review**

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 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 City of Maysville for review and comment. Bi-State Regional Commission submitted a review of the request, which



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STAFF REPORT

September 1, 2020

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generally described it as an appropriate zoning change. One public comment was received from a neighbor concerned with the additional lighting for the proposed storage facility.

**RECOMMENDATION:** Staff recommends that the rezoning of this property from Agricultural-Preservation (A-P) to Agricultural Commercial Service Floating District (ACS-F) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies with the following conditions:

1. All changes to the site plan be approved by Scott County Planning & Development Department;
2. All building plans be submitted and approved by the Scott County Planning & Development Department; and
3. All State requirements be met for the storage of dry fertilizer.

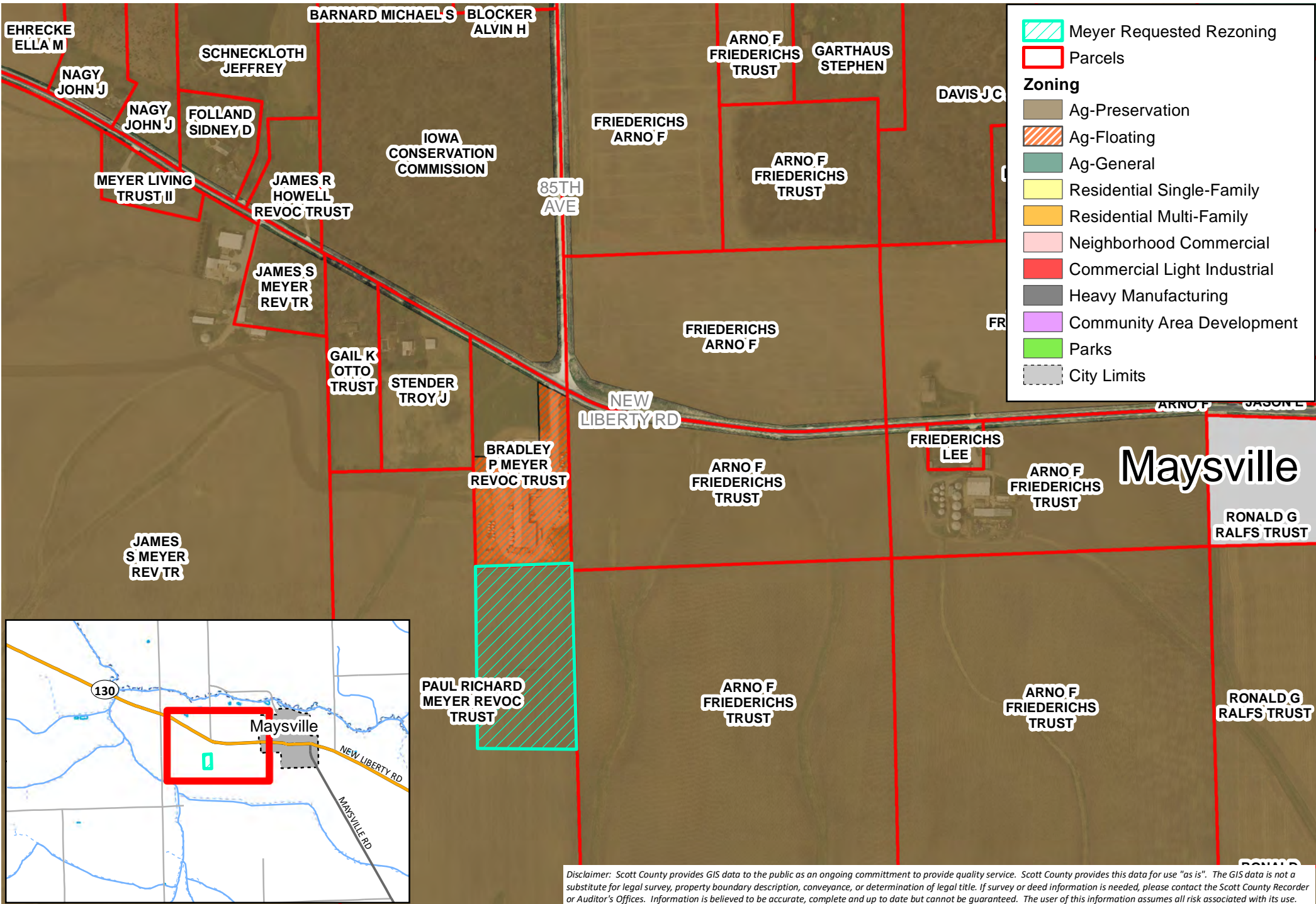
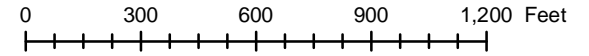
Submitted by:  
Taylor Beswick, Planning & Development Specialist  
August 28, 2020



# Current Zoning - Meyer Chemical "A-P" to "ACS-F" Rezoning Request

Scott County, Iowa

1 inch = 500 feet

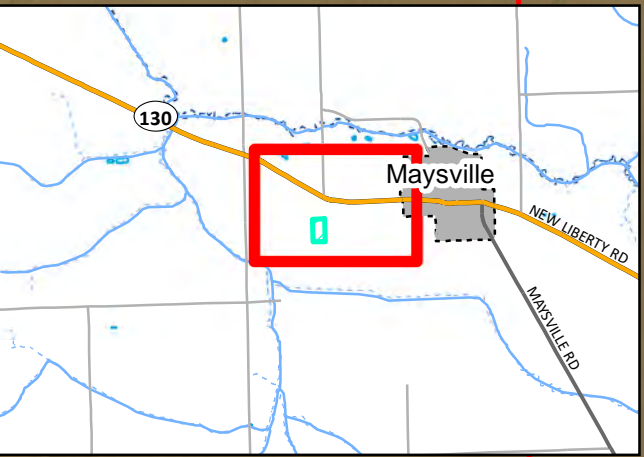


**Meyer Requested Rezoning**

**Parcels**

**Zoning**

- Ag-Preservation
- Ag-Floating
- Ag-General
- Residential Single-Family
- Residential Multi-Family
- Neighborhood Commercial
- Commercial Light Industrial
- Heavy Manufacturing
- Community Area Development
- Parks
- City Limits



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.

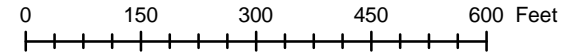





# Location/Aerial - Meyer Chemical "A-P" to "ACS-F" Rezoning Request

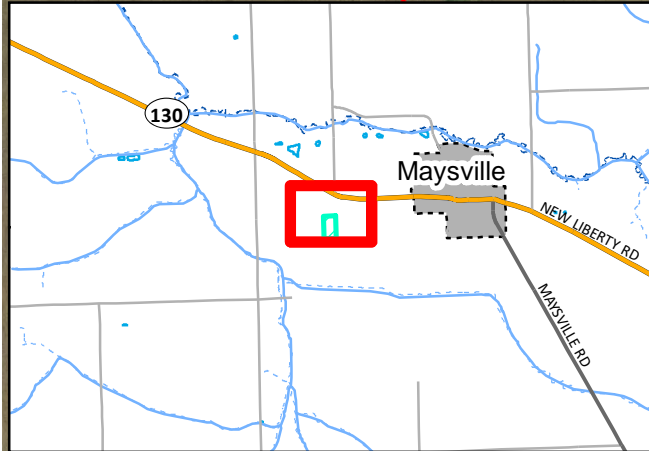
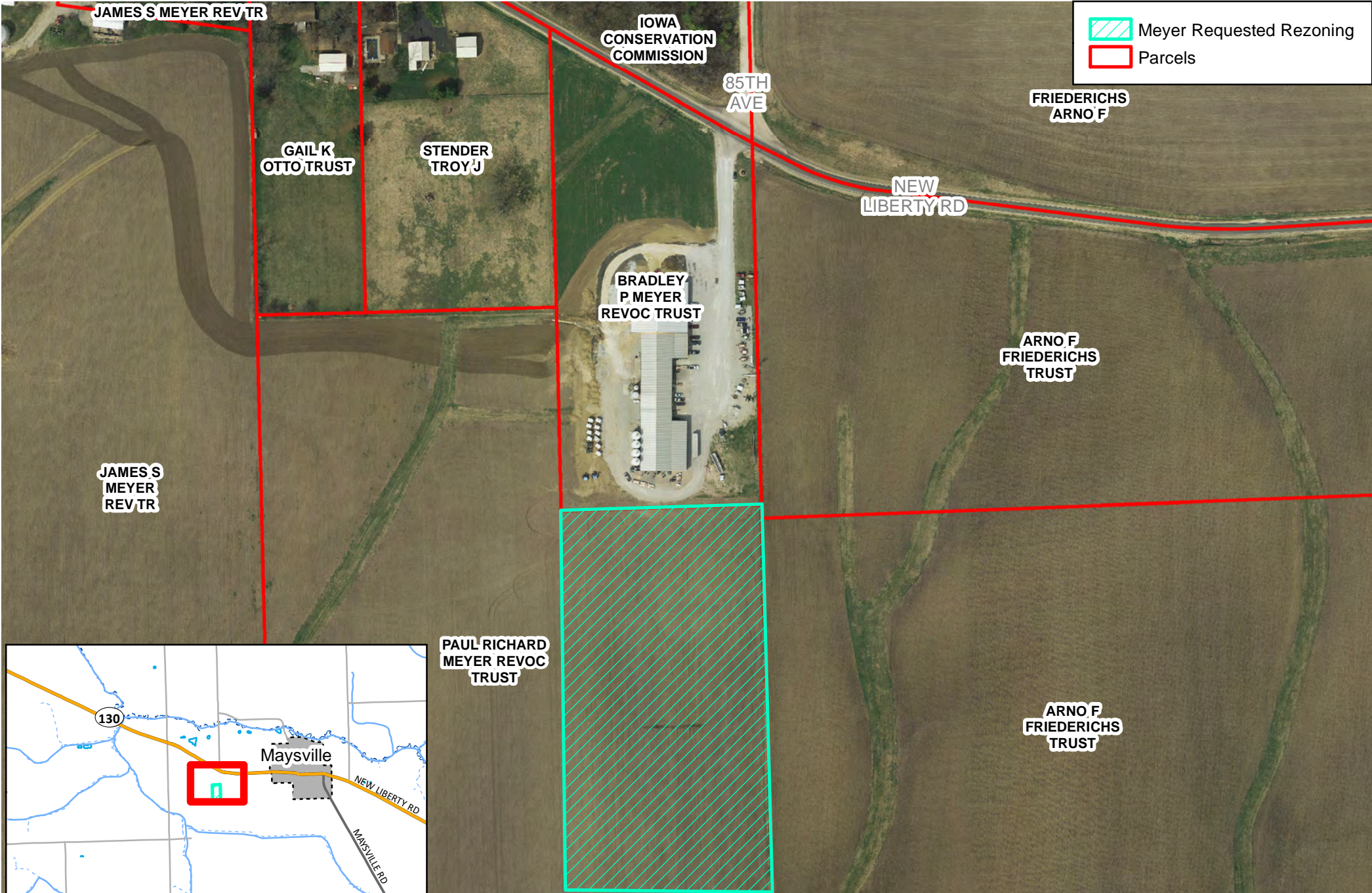
Scott County, Iowa

1 inch = 250 feet



 Meyer Requested Rezoning

 Parcels



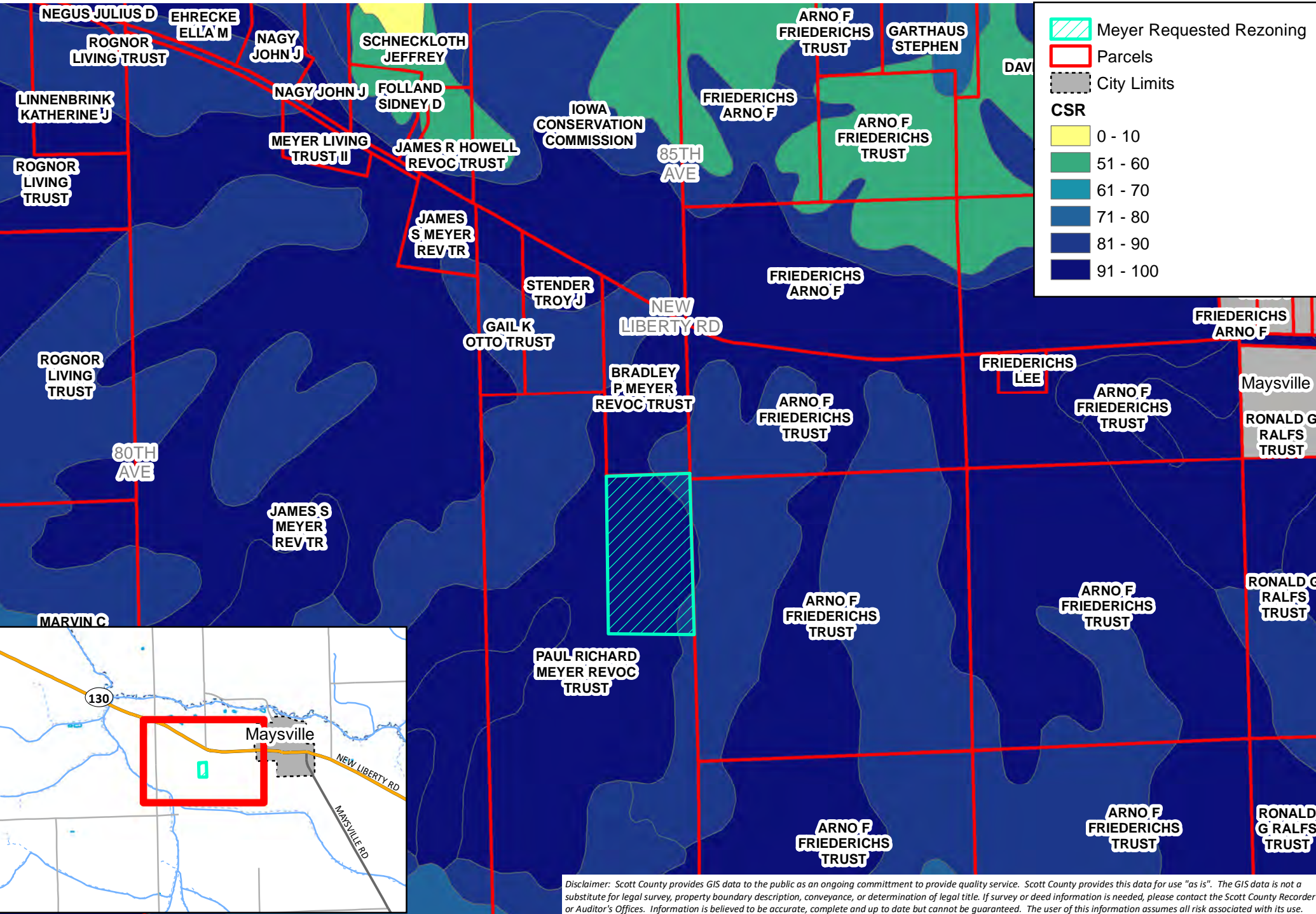
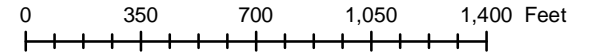
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# CSR - Meyer Chemical "A-P" to "ACS-F" Rezoning Request

Scott County, Iowa

1 inch = 583 feet



**Meyer Requested Rezoning**

**Parcels**

**City Limits**

**CSR**

- 0 - 10
- 51 - 60
- 61 - 70
- 71 - 80
- 81 - 90
- 91 - 100



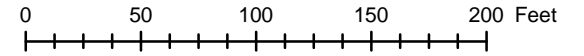
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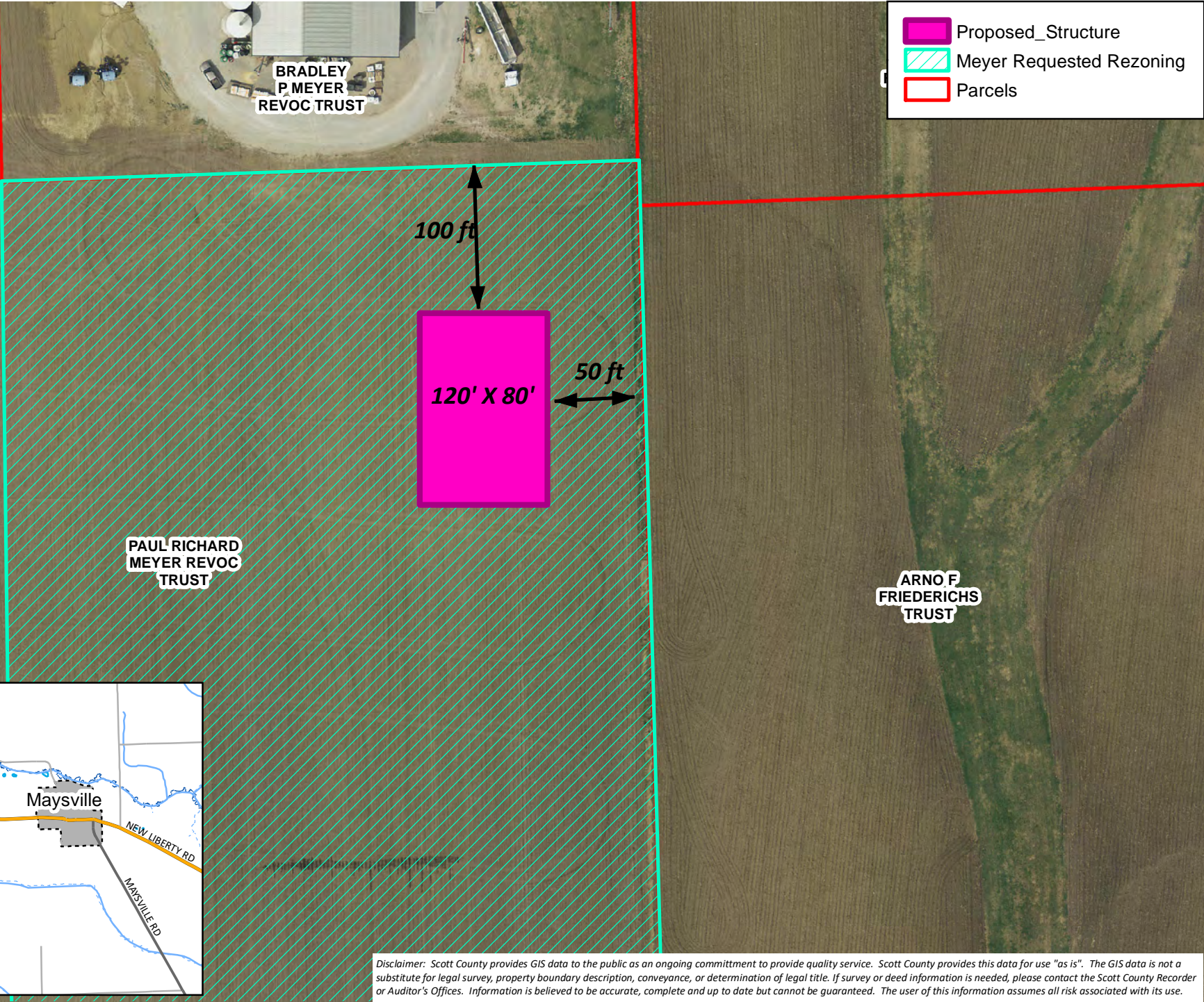
# Site Plan - Meyer Chemical "A-P" to "ACS-F" Rezoning Request

Scott County, Iowa

1 inch = 83 feet



-  Proposed\_Structure
-  Meyer Requested Rezoning
-  Parcels



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# Site Photo 1 / 4 : West at Current Business



# Site Photo 2 / 4 : South at Proposed Development Site



# Site Photo 3 / 4 : North Along East Property Line



# Site Photo 4 / 4 : East onto North Liberty Rd

