

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: September 21, 2020

Re: Approval of first of two readings of ordinance to rezone 0.31 acres, more or less, from Agricultural-Preservation District (A-P) to Commercial and Light Industrial District (C-2) located at 29640 Allens Grove Road and is legally described as part of the SE¼NW¼ of Section 18 in Allens Grove Township (Parcel# 021819008).

On September 17th the Board of Supervisors held a public hearing on this rezoning application. There were no comments made by the public or the applicant on this rezoning request. The Planning and Zoning Commission had unanimously recommended approval of this rezoning in accordance with staff's recommendation.

The rezoning application stated that the purpose of the rezoning is to allow this 13,500 sqft lot containing an existing 3,500 sqft warehouse to be sold with its existing use. The area to be rezoned is not shown on the Future Land Use Map, but the request does not propose any land use change. The warehouse was built around 1960 as a livestock transfer facility. 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. Given the lack of sewer and water facilities, the applicant states the only reasonable use of the property with the existing warehouse is for storage – a permitted use in the C-2 zoning district.

The applicant was present at the Commission's public hearing to answer any questions from the Commission. The Commission discussed the fact that even though this property was zoned A-P it was an existing commercial property that had no ag use and it was adjacent other property that was zoned C-2.

The Commission determined that the request met a preponderance of the criteria of the land use policies as an existing warehouse used for warehouse purposes.

PLANNING COMMISSION RECOMMENDATION: To approve the request to rezone this property from Agricultural-Preservation (A-P) to Commercial and Light Industrial District (C-2) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Vote: All Ayes (4-0)



PLANNING & ZONING COMMISSION
STAFF REPORT
September 1, 2020



Applicant: Duane Mumm

Request: Rezone a 0.31 acre parcel from Agricultural Preservation (A-P) to Commercial Light Industrial (C-2)

Address: 29640 Allens Grove Road, Dixon

Legal Description: 0.31 acre parcel, located in Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, in Allens Grove Township.

General Location: Approximately $\frac{1}{4}$ mile southeast of the incorporated city limits of the City of Dixon along Allens Grove Road.

Existing Zoning: Agricultural-Preservation (A-P)

Proposed Zoning: Commercial Light Industrial (C-2)

Surrounding Zoning:

- North:** Agricultural-General (A-G)
- South:** Agricultural-Preservation (A-P)
- East:** Commercial Light Industrial (C-2)
- West:** Agricultural-Preservation (A-P)

GENERAL COMMENTS: This request is to rezone a 0.31 acre parcel of land from Agricultural-Preservation (A-P) to Commercial Light Industrial (C-2). The rezoning application states that the purpose of the rezoning is to allow the current lot containing one (1) warehouse to be sold with its existing use.

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. The warehouse has existed on the lot since 1960.

Is the development on marginal or poor agricultural land?

Containing one (1) warehouse, 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 Allens Grove Road, 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. Given the lack of sewer and water facilities, the applicant states the only reasonable use of the property with the existing warehouse is for storage – a permitted use in the C-2 zoning district. 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 Dixon. In addition, the area to be rezoned is adjacent to six (6) parcels, encompassing 7 acres, and located in the C-2 Zoning District. Since the proposal is not changing the existing land use, as stated above, 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 commercial light industrial, residential, and 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 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 commercial development.



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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 Dixon for review and comment. Bi-State Regional Commission submitted a review of the request, which generally described it as an appropriate zoning change.

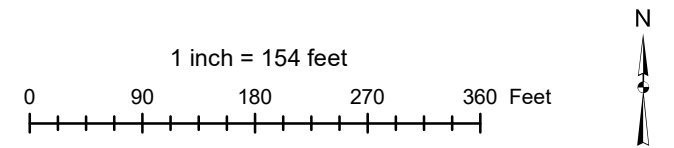
RECOMMENDATION: Staff recommends that the rezoning of this property from Agricultural-Preservation (A-P) to Commercial Light Industrial (C-2) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies.

Submitted by:
Taylor Beswick, Planning & Development Specialist
August 27, 2020



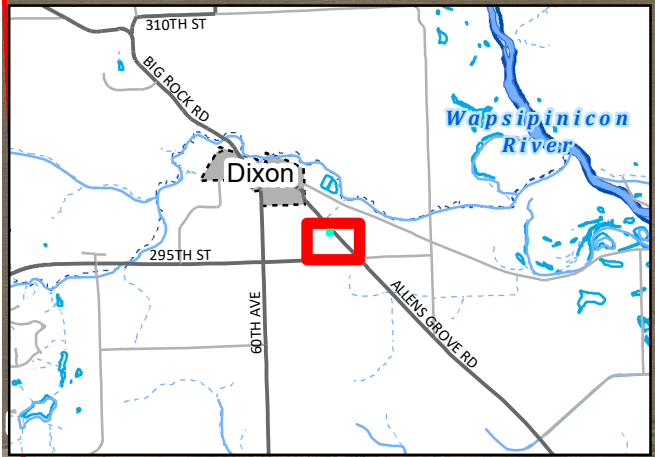
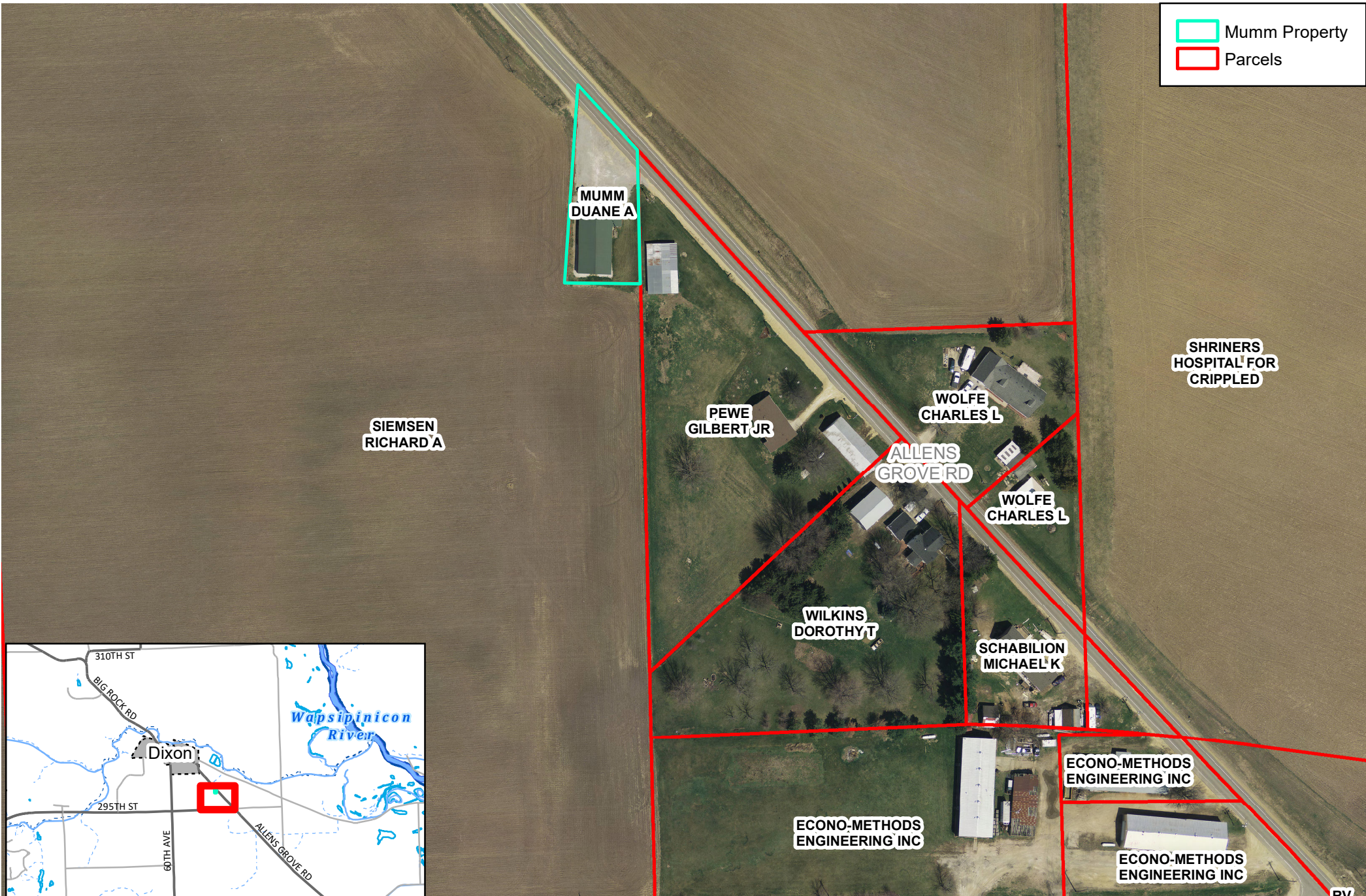
Location/Aerial - Mumm "A-P" to "C-2" Rezoning Request

Scott County, Iowa



Mumm Property

Parcels



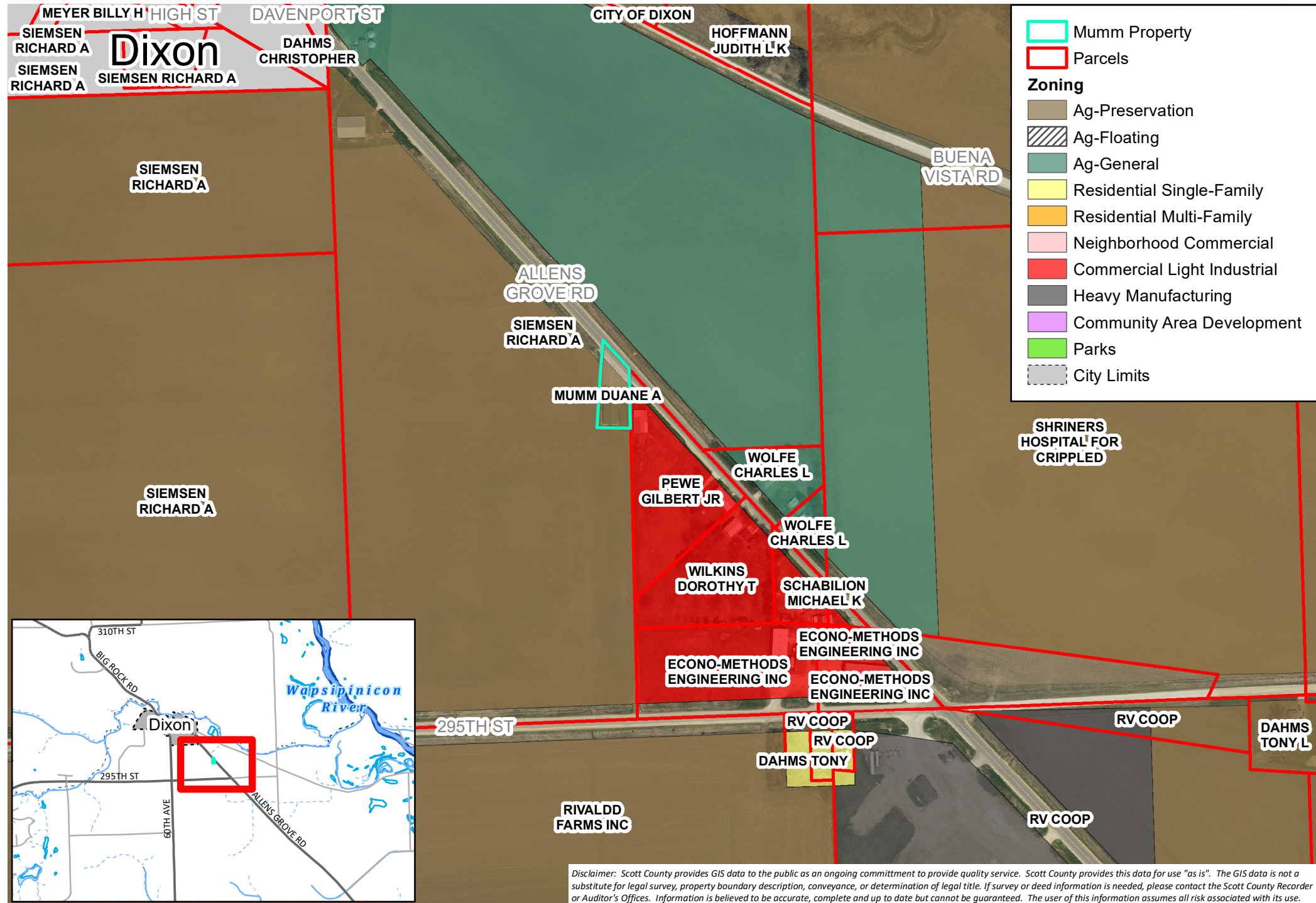
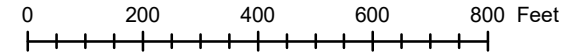
Disclaimer: Scott County provides GIS data to the public as an ongoing commitment to provide quality service. Scott County provides this data for use "as is". The GIS data is not a substitute for legal survey, property boundary description, conveyance, or determination of legal title. If survey or deed 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.



Current Zoning - Mumm "A-P" to "C-2" Rezoning Request

Scott County, Iowa

1 inch = 334 feet



Mumm Property

Parcels

Zoning

Ag-Preservation

Ag-Floating

Ag-General

Residential Single-Family

Residential Multi-Family

Neighborhood Commercial

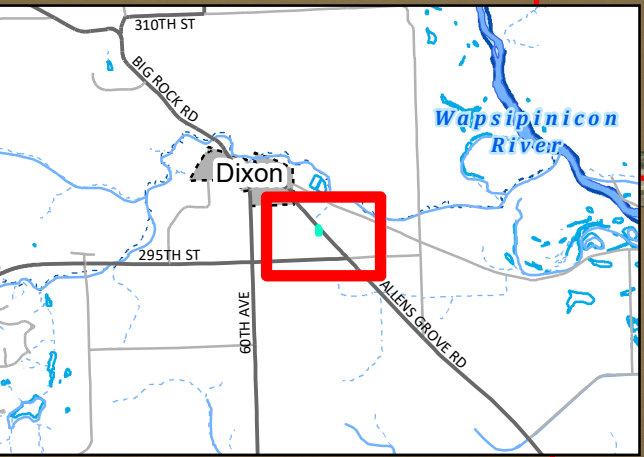
Commercial Light Industrial

Heavy Manufacturing

Community Area Development

Parks

City Limits



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Site Photo 1 / 4 : Looking South onto Property



Site Photo 2 / 4 : South East on Allens Grove Rd



Site Photo 3 / 4 : North West on Allens Grove Rd



Site Photo 4 / 4 : East Across Allens Grove Rd



Prepared by: Scott County Planning and Development, 600 West Fourth Street, Davenport Iowa

SCOTT COUNTY ORDINANCE NO. 20-_____

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 0.31 ACRES IN SECTION 18, ALLENS GROVE TOWNSHIP FROM AGRICULTURAL-PRESERVATION (A-P) TO COMMERCIAL-LIGHT INDUSTRIAL (C-2), 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 Commercial-Light Industrial (C-2) to-wit:

Part of the Southeast Quarter of the Northwest Quarter of Section 18, in Township 80 North, Range 2 East of the 5th P.M., more particularly described as follows: Commencing at the center of said NW ¼ of Section 18; thence South 89°27'06" West along the south line of said NW ¼ of section 18, a distance of 513.28', thence North 0 degrees 00 minutes 00 seconds West along an existing boundary fence line, a distance of 921.84 feet to the POINT OF BEGINNING on the southwesterly right of way line of County Road Y-4E (Allens Grove Road); thence South 00°00'00" East, a distance of 110.00 feet; thence North 90°00'00" West, a distance of 90.00 feet; thence North 00°00'00" East, a distance of 214.50 feet to said southwesterly right of way line; thence South 40°44'11" East, a distance of 137.91 feet to the POINT OF BEGINNING; said described tract containing 0.34 acre (14,603 square feet), more or less.

Section 2. This ordinance changing the above described land to Commercial-Light Industrial (C-2) 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 _____ 2020.

Tony Knobbe, Chair
Scott County Board of Supervisors

Roxanna Moritz, County Auditor