

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 7.26 acres, more or less, from Agricultural-Preservation District (A-P) to Agricultural Commercial Service Floating District (ACS-F) located at 8495 New Liberty Road and is legally described as 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 17th the Board of Supervisors held a public hearing on this rezoning application. The applicant answered the Board's questions about the size of the area to be rezoned. The applicant stated the rezoning was to allow the business to expand but also to provide sufficient areas for possible future expansions. The Planning and Zoning Commission had unanimously recommended approval of this rezoning in accordance with staff's recommendation, with four (4) conditions.

The area to be rezoned is currently zoned A-P, located to the south of the existing 7.41 acre parcel, zoned ACS-F that is the current location of Paul Meyer Chemicals, Incorporated. The proposed 80' X 120' foot storage structure to be built following the approval of this rezoning will be located in the northeast area of the area to be rezoned. The balance of the area to be rezoned will continue in crop production until such time additional buildings are proposed.

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)



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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



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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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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

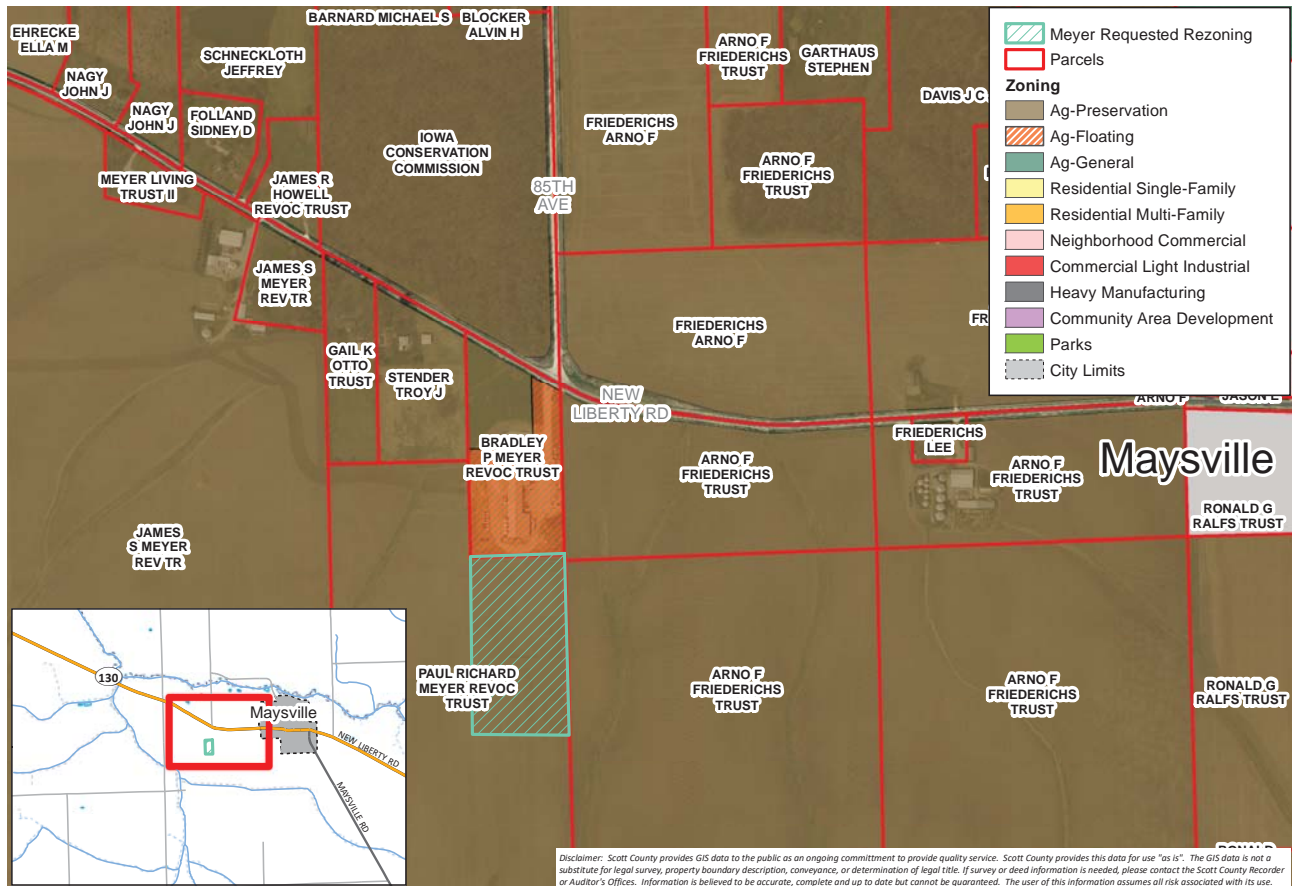


Current Zoning - Meyer Chemical "A-P" to "ACS-F" Rezoning Request

Scott County, Iowa

1 inch = 500 feet

0 300 600 900 1,200 Feet

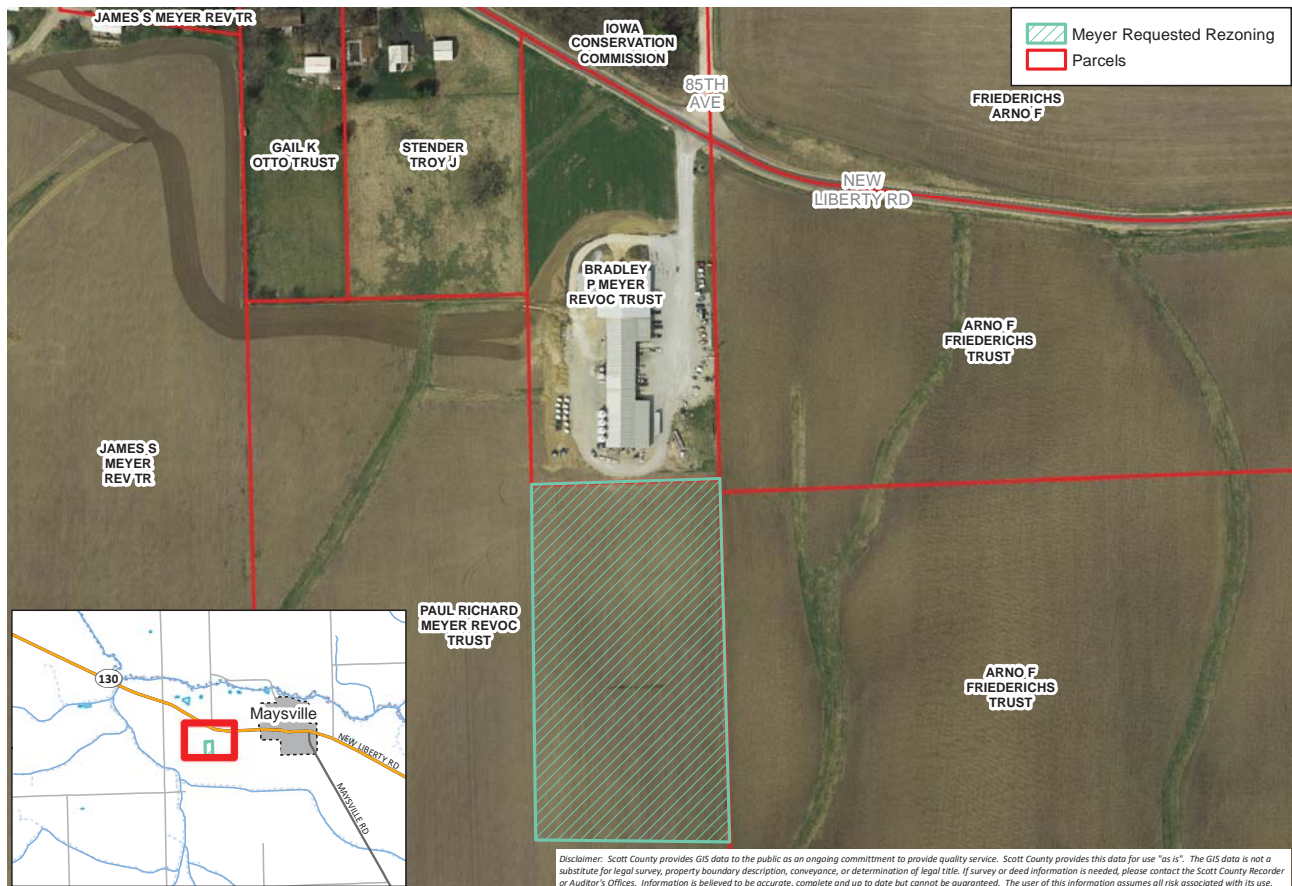


Location/Aerial - Meyer Chemical "A-P" to "ACS-F" Rezoning Request

Scott County, Iowa

1 inch = 250 feet

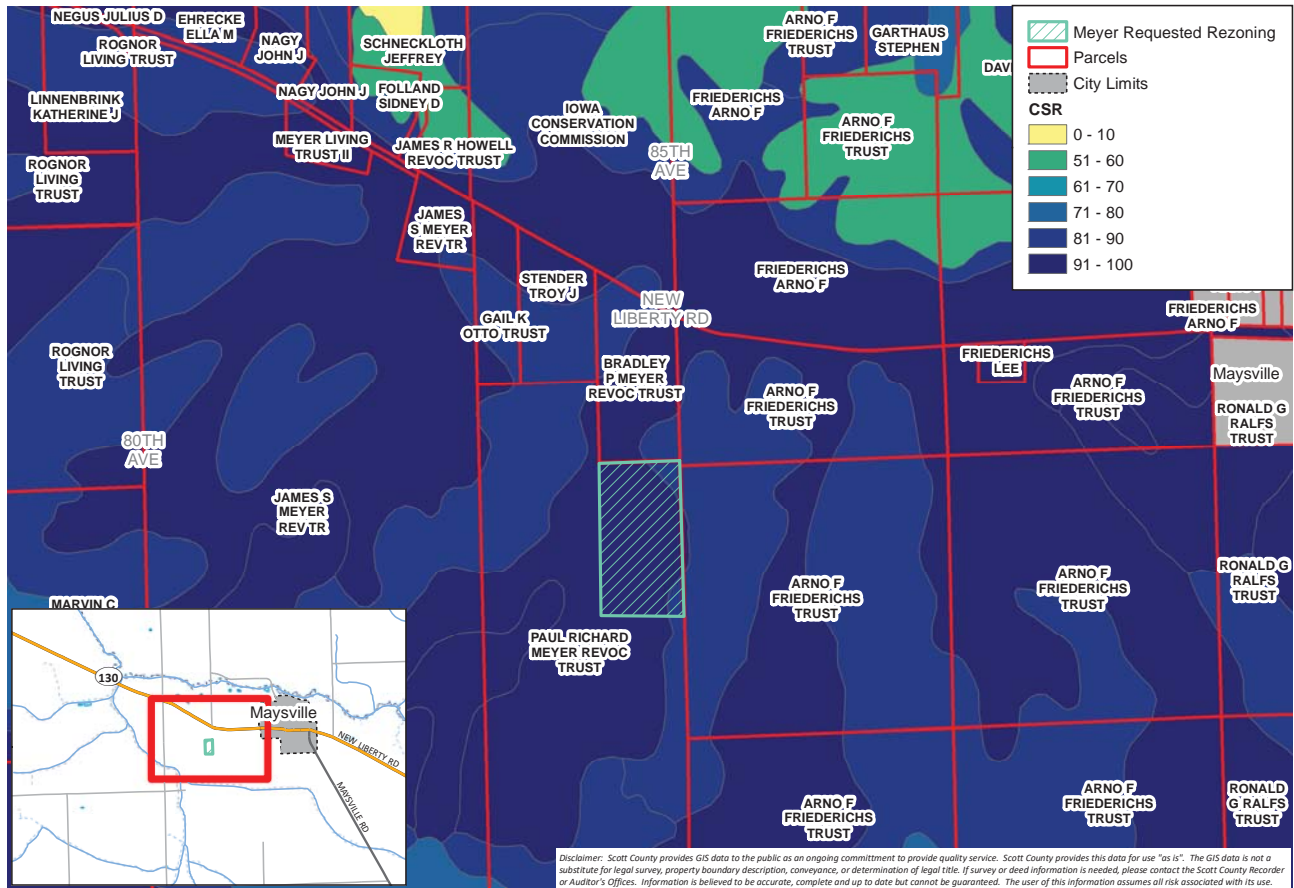
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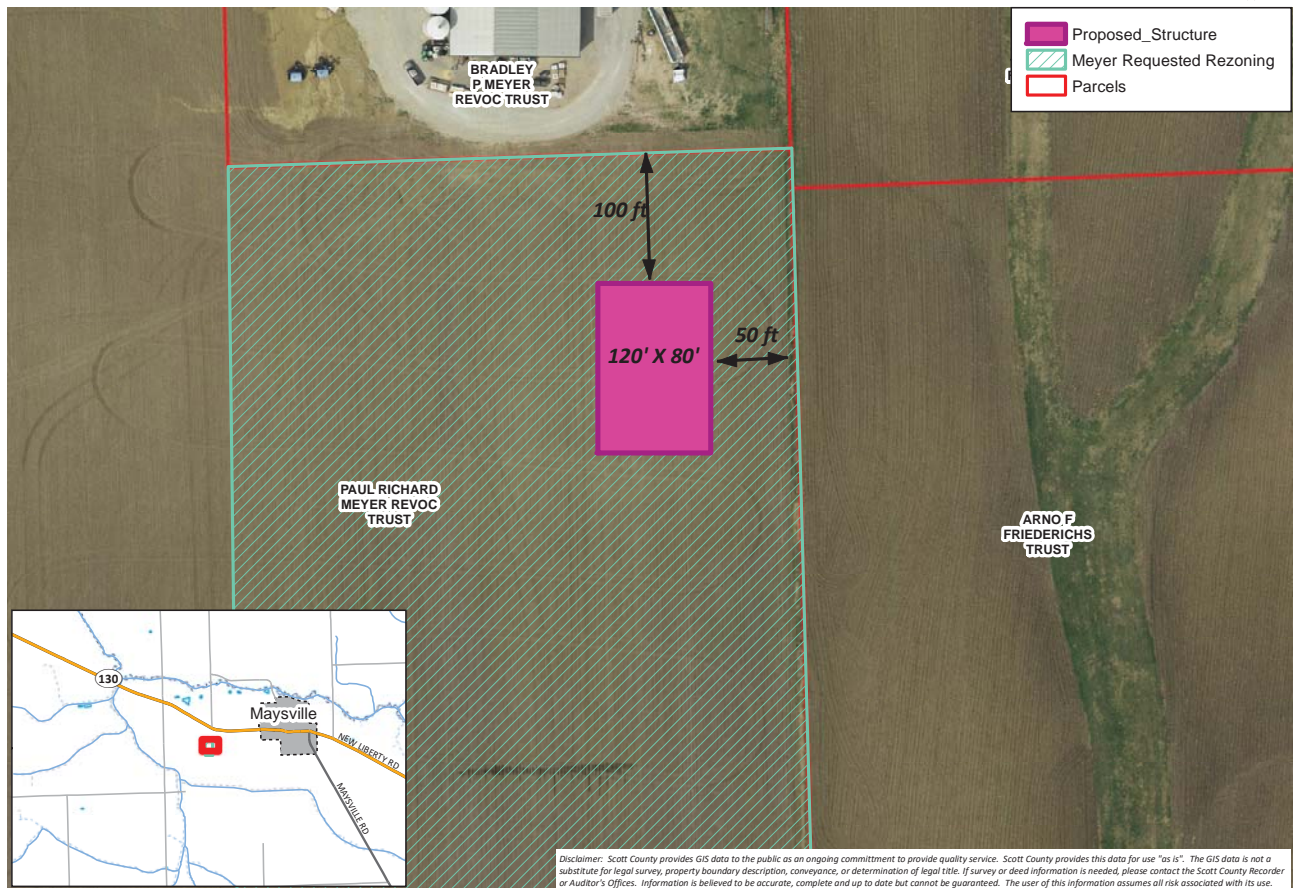
CSR - Meyer Chemical "A-P" to "ACS-F" Rezoning Request Scott County, Iowa

1 inch = 583 feet
0 350 700 1,050 1,400 Feet



Site Plan - Meyer Chemical "A-P" to "ACS-F" Rezoning Request Scott County, Iowa

1 inch = 83 feet
0 50 100 150 200 Feet



Site Photo 1 / 4 : West at Current Business



Paul Meyer Chemical Rezoning A-P to ACS-F Site Photos - 09/01/2020 P&Z Meeting

1

Site Photo 2 / 4 : South at Proposed Development Site



Paul Meyer Chemical Rezoning A-P to ACS-F Site Photos - 09/01/2020 P&Z Meeting

2

Site Photo 3 / 4 : North Along East Property Line



Paul Meyer Chemical Rezoning A-P to ACS-F Site Photos - 09/01/2020 P&Z Meeting

3

Site Photo 4 / 4 : East onto North Liberty Rd



Paul Meyer Chemical Rezoning A-P to ACS-F Site Photos - 09/01/2020 P&Z Meeting

4

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 7.26 ACRES IN SECTION 16, HICKORY GROVE TOWNSHIP FROM AGRICULTURAL-PRESERVATION (A-P) TO AGRICULTURAL COMMERCIAL SERVICE FLOATING DISTRICT (ACS-F), 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 District (A-P) to Agricultural Commercial Service Floating District (ACS-F) to-wit:

Part of the Southeast Quarter of the Northwest Quarter of Section 16, in Township 79 North, Range 2 East of the 5th P.M., more particularly described as follows: Commencing at the East 400 feet of the southerly 35 feet of said Southeast of Northwest Quarter and the East 400 feet of the northerly 730 feet.

Section 2. This ordinance changing the above described land to Agricultural Commercial Service Floating District (ACS-F) is approved as recommended by the Planning and Zoning Commission 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.

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