

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Mahesh Sharma, County Administrator
From: Timothy Huey, Planning Director
Date: November 3, 2020

Re: Approval of the first of two readings of an ordinance to rezone 58.5 acres more or less from Agricultural Preservation (A-P) to Industrial (I) located north of New Liberty Road/Iowa Hwy 130, and approximately one mile west of 35th Ave and one-half mile east of 20th Avenue and legally described as part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the west half of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 in Liberty Township (Parcel# 013305003 Parcel# 013303002)

The Planning Commission unanimously recommended approval of this rezoning application based on its compliance with a preponderance of the Revised Land Use Polices of the Scott County Comprehensive Plan.

The Planning Commission noted that a previous rezoning application from A-P to A-G for the 180 acres east of the existing quarry site was approved in 2008 and a Special Use Permit to allow the primary extraction operation proposed on that 180 acres plus the 145 acres lying south of Hwy 130 that remained zoned A-P was also approved in 2008. The rezoning application also included a request to amend the Future Land Use Map to show 70 of the rezoned 180 acres as appropriate for industrial development, which was also approved. Then in 2018 when Riverstone acquired the adjacent 112 acres located to the west of the existing quarry site a Special Use Permit for primary extraction on that property was approved.

The Board of Supervisors held a public hearing on the application at its meeting on October 29th. The applicant spoke on behalf of the request. There were no others in attendance and staff had not received any calls with concerns or questions about this rezoning application.

This rezoning is to allow the secondary processing operation on the existing quarry site to be moved to this 58 acre area. The amendment to the Future Land Use Map approved in 2008 for the 70 acres east of the existing quarry will remain in place. The Future Land Use Map amendment did not rezone the property to Industrial in 2008 but was intended to indicate it is likely to be favorably considered when it is requested at some point in the future.

Staff did not recommend that the applicant go through the intermediate step on the current 58.5 acre tract to rezone it to A-G and amend the Future Land Use Map to show industrial on this property and the Planning Commission concurred with that determination. This was made on the basis that even though the 112 acres lying west of the existing quarry is zoned A-P, which includes this 58.5 acres, it is already approved for extraction and primary processing.

The applicant also noted there are a number of other State and Federal permits that they must comply with to continue their operation on all three quarries in Scott County.

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Memo on Riverstone rezoning ordinance
November 3, 2020

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone this property from Agricultural-Preservation (A-P) to Industrial (I) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies and also the previous approvals of Special Use Permits to allow extraction and primary processing on the entire area owned by the applicant.

Vote: Unanimous (7-0)

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 58.5 ACRES IN SECTION 33, LIBERTY TOWNSHIP FROM AGRICULTURAL-PRESERVATION (A-P) TO INDUSTRIAL (I), 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 Industrial (I) to-wit:

Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the west half of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, in Township 80 North, Range 1 East of the 5th P.M. (New Liberty Township).

Section 2. This ordinance changing the above described land to Industrial (I) 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