

PLANNING & DEVELOPMENT

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



Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Taylor Beswick, Planning & Development Specialist

Date: December 15, 2020

Re: Discussion of Public Hearing and presentation of Planning and Zoning Commission's recommendation on the application of Barry & Arlene Traver to rezone a 35 acres, more or less, from "Agriculture-General (A-G)" to "Single Family-Residential (R-1)" legally described part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35 in Blue Grass Township (Parcel #: [823539002](#); [823555006](#); [823555007](#)).

On December 1, 2020, the Planning and Zoning Commission recommended approval of this rezoning in accordance with staff's recommendation, voting 5-1. The dissenting vote, Commissioner Maxwell, cited her opposition of agriculture land being developed as her reason for voting no.

The rezoning application states the rezoning will allow them to build an additional single-family dwelling and market the remainder of the rezoned property for future residential development. The area to be rezoned is shown on the Future Land Use Map as future residential. The northern 14 acres of the area requested to be rezoned is currently in agricultural production and has Corn Suitability Ratings (CSR) of over 60. The remainder of the proposed area to be rezoned is not in agricultural production and has CSR ratings of less than 60.

The area to be rezoned has frontage along Y-48 (110th Avenue), an adequately-constructed, paved County road. The property is not currently served by public sewer. The property currently has residential development (14150 110th Avenue, Davenport, IA) with septic and Iowa-American Water Service. Any further development must comply, or continue to comply, with State and County health regulations for on-site wastewater treatment. The County Health Department did not have any comments or concerns regarding the proposal.

The area to be rezoned is near the city limits of Davenport. In addition, Camping World borders the area to the south, and residential dwellings are located across Y-48 (110th Ave). Since the proposal is adjacent to mixed use developments, as stated above, it would not be seen as encouraging urban sprawl.

Lake Canyada is located to the east, across Y-48 (110th Ave) of the property. The creek bisecting the property requested to be rezoned flows into Lake Canyada. Prior to any development, The Scott County Conservation Department would like to see specific watershed protection plans. The need for buffering this proposed residential development from the Lake Canyada watershed would be reviewed in conjunction with any future subdivision review.

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The applicants were 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 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 35 acres, more or less, from “Agriculture-General (A-G)” to “Single Family-Residential (R-1)” based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies

Vote: Recommended for Approval: (5-1); (Maxwell voting no)

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Director

**NOTICE OF SCOTT COUNTY
BOARD OF SUPERVISORS PUBLIC HEARING FOR AN APPLICATION
TO REZONE FROM “A-G” TO “R-1”**

Tuesday, December 22, 2020

Online Access Only Due to COVID-19

5:00 P.M.

PARTICIPATION OPTIONS:

Please find call-in instructions, agenda, and meeting materials here:

<https://www.scottcountyiowa.gov/board/board-meetings>

Public Hearing: Rezoning – Agricultural-General District (A-G) to Single-Family

Residential District (R-1): Application from owner **Barry Traver DBA Traver Properties**

LLC to rezone 35 acres, more or less, from A-G to R-1. The location of the requested area to be

rezoned is north of US-61, south of 145th Street, and accessed on the west side of 110th Avenue.

The location includes the dwelling addressed 14150 110th Avenue, Davenport. The land

requested to be rezoned is legally described as part of the NE¹/₄SE¹/₄ and part of the SE¹/₄SE¹/₄ of

Section 35 in Blue Grass Township ([Parcel# 823539002](#); [Parcel# 823555006](#); [Parcel](#)

[#823555007](#)).

The applicant states the rezoning will allow them to build an additional single-family dwelling and market the remainder of the rezoned property for future residential development.

On December 1, 2020, the Planning and Zoning Commission recommended approval of this rezoning in accordance with staff’s recommendation, voting 5-1. Please contact the Scott County Planning & Development Department with any questions: 563-326-8643 or

planning@scottcountyiowa.gov .



PLANNING & ZONING COMMISSION

STAFF REPORT

December 1, 2020



Applicant: Barry & Arlene Traver DBA Traver Properties LLC

Request: Rezone 35 acres, more or less, from Agricultural General (A-G) to Single Family Residential (R-1)

Address: 14150 110th Avenue, Davenport, IA, 52804

Legal Description: 35 acres, more or less, located in Part of the NE¹/₄SE¹/₄ of Section 35, in Blue Grass Township.

General Location: Approximately ¹/₄ mile north of US-61, 1 mile west of the incorporated city limits of Davenport, and accessed via Y-48 (110th Ave).

Existing Zoning: Agricultural-General (A-G)

Proposed Zoning: Single-Family Residential (R-1)

Surrounding Zoning:

- North:** Single-Family Residential (R-1)/
- South:** Commercial Light Industrial (C-2)
- East:** Single-Family Residential (R-1)/Multi-Family Residential (R-2)
- West:** Agricultural-Preservation (A-P)/ Commercial Light Industrial (C-2)

GENERAL COMMENTS: This request is to rezone 35 acres, more or less, from Agricultural General (A-G) to Single Family Residential (R-1). The applicant states the rezoning will allow them to build an additional single-family dwelling and market the remainder of the rezoned property for future residential development.

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 shown on the Future Land Use Map as future residential.

Is the development on marginal or poor agricultural land?

The northern 14 acres of the area to be rezoned is currently in agricultural production and has Corn Suitability Ratings (CSR) of over 60. The remainder of the proposed area to be rezoned is not in agricultural production and has CSR ratings of less than 60.



PLANNING & ZONING COMMISSION

STAFF REPORT

December 1, 2020



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

The area to be rezoned has frontage along Y-48 (110th Avenue), 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 public sewer. The property currently has residential development with septic and Iowa-American Water Service. Any further development must comply, or continue to comply, with State and County health regulations for 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 Davenport. In addition, Camping World borders the area to the south, and residential dwellings are located across Y-48 (110th Ave). Since the proposal is adjacent to mixed use developments, 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, and residential, and thus would cause little added disruption to existing agricultural activities.

Does the area have stable environmental resources?

The property has a mixture of flat agricultural areas, and sloping wooded areas converging on a creek which runs west to east through the middle of the property. The creek feeds Lake Canyada to the east. The Subdivision Regulations define environmentally sensitive areas as areas with slopes in excess of 25%, native forest growth, native prairie grass and wetlands. The regulations also require that when a wooded site is developed, no more than 15% of the naturally occurring tree canopy cover shall be removed. None of these would appear to be an issue with this property or the proposed development of this property.

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

Lake Canyada is located to the east, across Y-48 (110th Ave) of the property. The creek bisecting the property requested to be rezoned flows into Lake Canyada. Prior to any development, The Scott County Conservation Department would like to see specific watershed protection plans. The need for buffering this proposed residential development



PLANNING & ZONING COMMISSION
STAFF REPORT
December 1, 2020



from the Lake Canyada watershed would be reviewed in conjunction with any future subdivision review.

Is there a recognized need for such development?

The adopted land use policies do recognize that there is a need for providing opportunities for a variety of housing types in Scott County.

Will the property be developed in an efficient manner that is also supportive of energy conservation?

Due to the size of the area to be rezoned it would appear that this request meets this policy to some degree.

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, Bi-State Regional Commission, and the City of Davenport for review and comment.

RECOMMENDATION: Staff recommends that the rezoning of this property from Agricultural-General (A-G) 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:
Taylor Beswick, Planning & Development Specialist
November 24, 2020



Serving local governments in Muscatine and Scott Counties, Iowa;
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MEMORANDUM

TO: Timothy Huey, Director, Scott County Planning & Development
FROM: Brandon Melton, Senior Planner
DATE: November 25, 2020
RE: Rezoning of 35 acres in Blue Grass Township, Scott County, Iowa

This memorandum is being submitted in response to a rezoning review request from Scott County, Iowa. The hearing date is scheduled for Tuesday, December 1, 2020 at 5:00 p.m. The applicant, Barry Traver DBA Traver Properties LLC, is requesting a rezoning of 35 acres more or less from Agricultural-Preservation District (A-P) to Residential (R1).

The property is a 35-acre tract, more or less, north of US-61, south of 145th Street, and accessed on the west side of 110th Avenue. The location includes the dwelling addressed 14150 110th Avenue, Davenport. The land requested to be rezoned is legally described as part of the NE¼SE¼ and part of the SE¼SE¼ of Section 35 in Blue Grass Township (Parcel# 823539002; Parcel# 823555006; Parcel #823555007).

Having reviewed the information relevant to the proposed rezoning and map amendment, the following items were ascertained. The July 2018 Zoning and Land Use Map for Scott County, Iowa, shows the property has a future land use designation of R-1 Residential. The rezoning request is consistent with that plan.

The property has access to 110th Ave. to the east, a paved road, as well as access to 145th St., also a paved road. The property is within 1.5 miles of the New Liberty city limits. The 2008 *Scott County Comprehensive Plan* contains a listing of the county's goals, land use objectives, and land use policies that are to be used as part of the land development review process. The request appears to be consistent with the plan.

The proposed rezoning is adjacent to West Lake County Park. As there is residential development already adjacent to the park, it is not likely that additional development will have a significant impact on the recreational resource.



The property is not located in a flood hazard area, high earthquake incident area, or an airport restricted zone. The proposed rezoning is not expected to have an impact on historic or cultural features, wetlands, wildlife refuges, Indian mounds, or forest preserves. According to the 2018 *Scott County Hazard Mitigation Plan*, the property and vicinity have a high incidence of thunderstorms that contain frequent cloud to ground lightening, high winds, hail, tornados, and flash flooding.

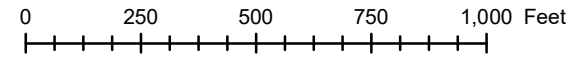
Should you have any questions regarding this response, please contact me at (309) 793-6300 extension 1148.



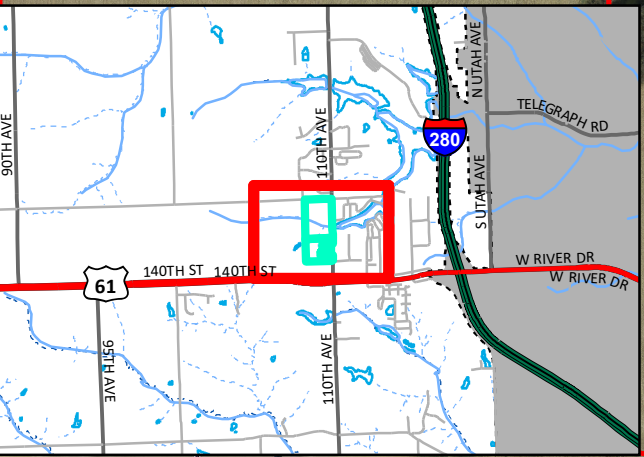
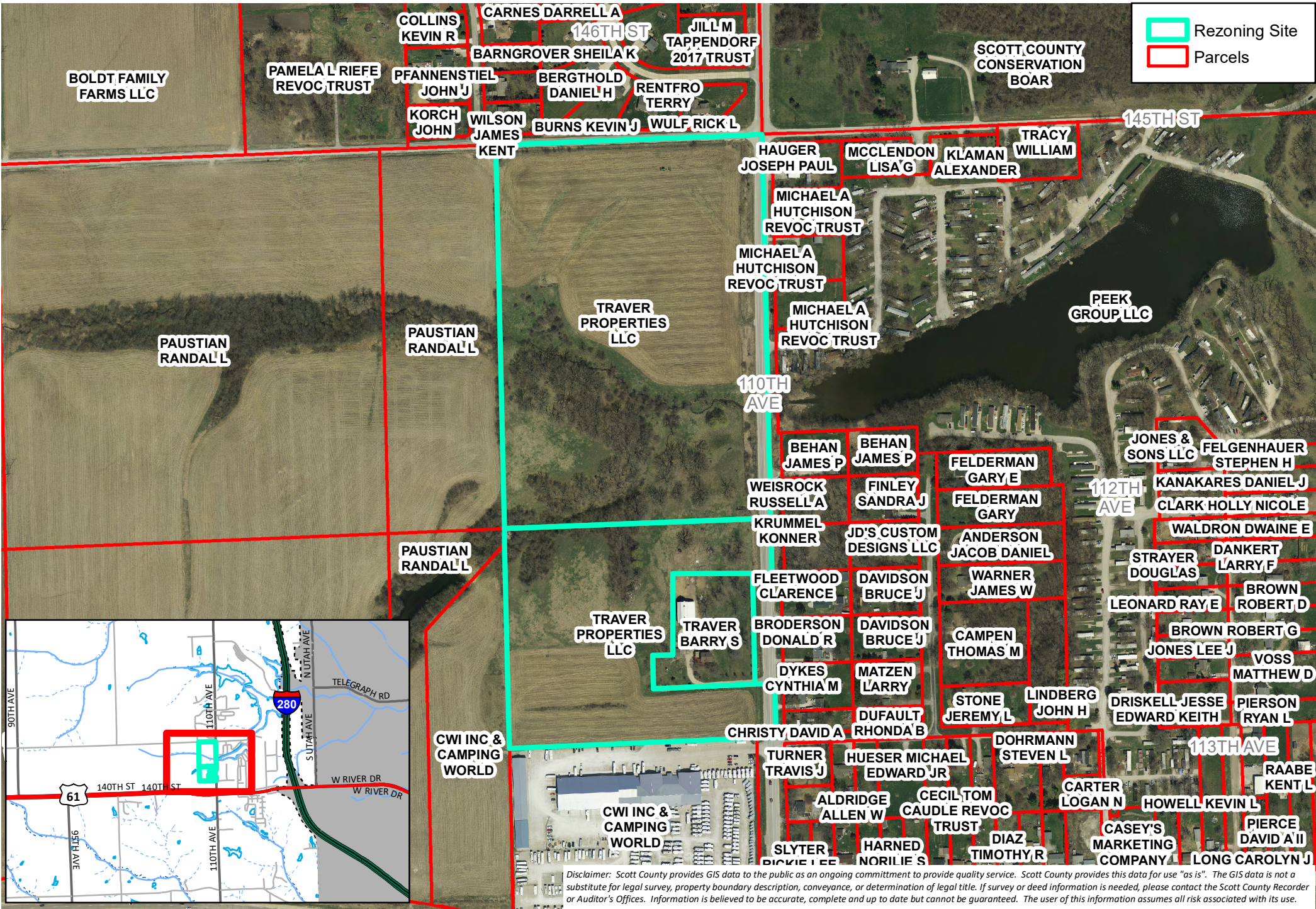
Traver - "A-G" to "R1" Rezoning Request: Deed Holders

Scott County, Iowa

1 inch = 417 feet



 Rezoning Site
 Parcels



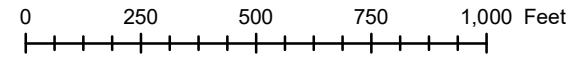
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Traver - "A-G" to "R1" Rezoning Request: CSR

Scott County, Iowa

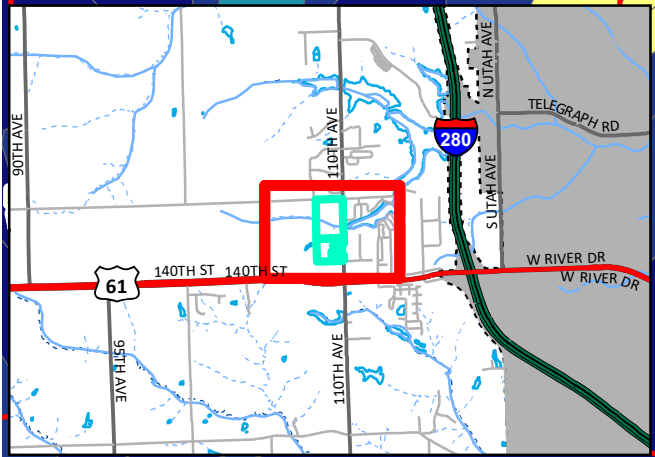
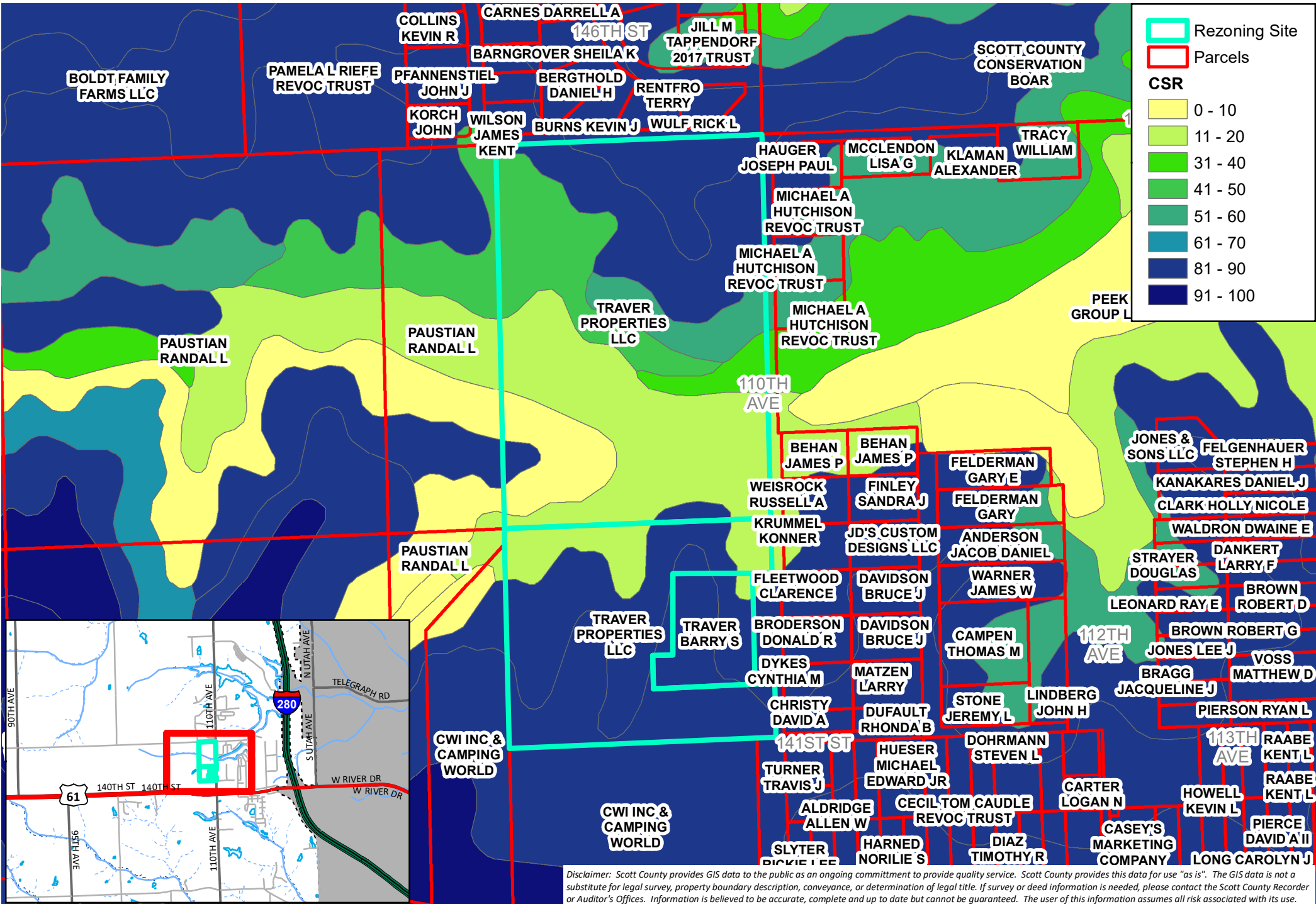
1 inch = 417 feet



Rezoning Site
Parcels

CSR

- 0 - 10
- 11 - 20
- 31 - 40
- 41 - 50
- 51 - 60
- 61 - 70
- 81 - 90
- 91 - 100



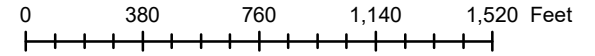
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Traver - "A-G" to "R1" Rezoning Application

Scott County, Iowa











1 inch = 626 feet

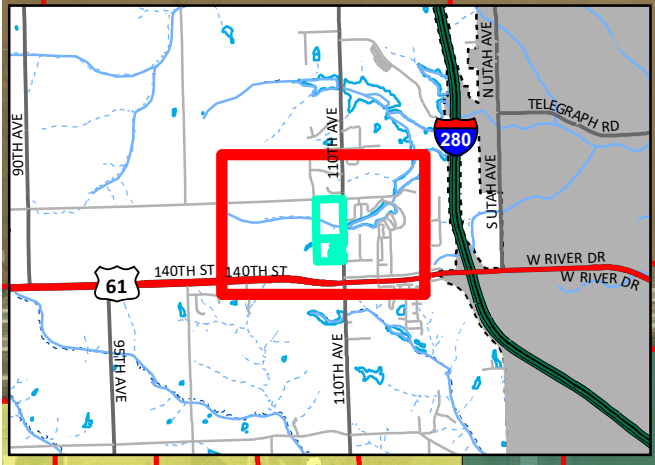
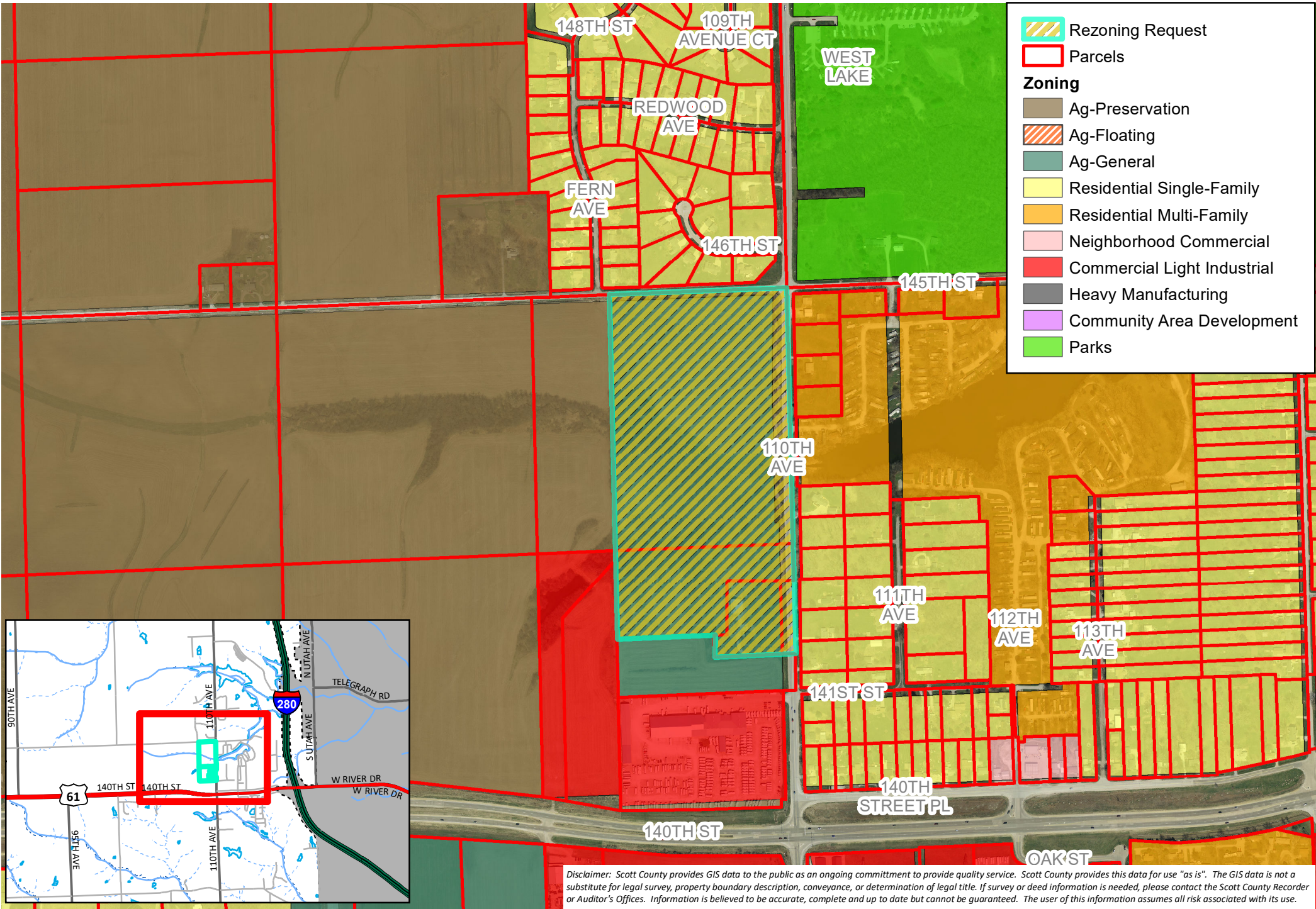


Legend

-  Rezoning Request
-  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



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Site Photo 1 / 4 : Looking South onto Property



Traver Rezoning A-G to R-1

1

Site Photo 2 / 4 : West on Y-48 (110th Ave)



Traver Rezoning A-G to R-1

2

Site Photo 3 / 4 : South across 145th St



Traver Rezoning A-G to R-1

Site Photo 4 / 4 : East Across Y-48 (110th Ave)



Traver Rezoning A-G to R-1

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

SCOTT COUNTY ORDINANCE NO. 21-_____

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 35 ACRES IN SECTION 35, BLUE GRASS TOWNSHIP FROM AGRICULTURAL-GENERAL (A-G) TO SINGLE FAMILY RESIDENTIAL (R-1), 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-General (A-G) to Single Family Residential (R-1) to-wit:

Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, in Township 78 North, Range 2 East of the 5th P.M. (Blue Grass Township).

Section 2. This ordinance changing the above described land to Single Family Residential (R-1) 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 _____ 2021.

Tony Knobbe, Chair
Scott County Board of Supervisors

Roxanna Moritz, County Auditor