



**Planning & Development
Scott County, Iowa**

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Office: (563) 326-8643
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Administrative Center
600 West Fourth Street
Davenport, Iowa 52801-1106

December 6, 2023

To: Mahesh Sharma, County Administrator
From: Alan Silas, Planning and Development Specialist
Re: Planning & Zoning Commission action on December 5, 2023 agenda item

Members Present: Armstrong, Piatak, Rochau, Scheibe, Schnekloth, Steward
Members Absent: Maxwell

1. Public Hearing – Future Land Use Map Amendment

Application from Riverstone Group, Inc. to remove the “To Be Annexed (Prior to Development)” designation from a certain portion of Scott County’s adopted Future Land Use Map, in Part of the W ½ of the NE ¼ of Section 35 of Sheridan Township.

The Commission voted (5-0, with Armstrong recusing) to recommend denial of the Future Land Use Map amendment in accordance with staff’s recommendation. Brian Dockery (Riverstone Group, Inc.) was present with legal counsel. Three (3) members of the public spoke in opposition to the request: Matt Werderitch (City of Davenport, Planner II), Thomas Hepner (2626 East Central Park Avenue, Davenport), and Gerald Moeller (1540 Broadview Drive, Bettendorf; deed holder of Scott County Parcel 933507014 adjacent to subject property).

The applicants have three (3) courses of action:

1. Abandon the Future Land Use Map Amendment request by not forwarding the Commission’s recommendation to deny to the Board of Supervisors
 2. Forward the Commission’s recommendation to deny to the Board of Supervisors for a public hearing on the Future Land Use Map Amendment request by the Board
 3. Abandon the Future Land Use Map Amendment request by not forwarding the Commission’s recommendation to deny to the Board of Supervisors, and submitting a petition to rezone the property without the Future Land Use Map having been amended
- **Vote (recommend denial of Future Land Use Map Amendment): 5-0, All Ayes (Armstrong recusing)**

December 8, 2023 update: The applicants will be taking course #2 and part of course #3. The Board will have a public hearing on December 19, 2023 on the Future Land Use Map amendment with a Planning and Zoning Commission recommendation to deny. The Planning and Zoning Commission will have a public hearing on January 2, 2024 on a rezoning petition to rezone the subject property from Agricultural-General (A-G) to Industrial (I) regardless of what action the Board takes.



PLANNING & ZONING COMMISSION
STAFF REPORT
DECEMBER 5, 2023



Applicant: Riverstone Group, Inc.

**ORIGINAL NOVEMBER 22, 2023
HEARING POSTPONED**

Request: Remove “To Be Annexed” designation from a certain portion of Scott County’s adopted Future Land Use Map

Legal Description: Part of the W ½ of the NE ¼ of Section 35 of Sheridan Township
Scott County Tax Parcels 933505001 and 933521001

General Location: Within the area east of the Davenport airport and north of Interstate 80, known as Mount Joy.

Zoning/Future

Land Use: Agricultural-General (A-G) / “To Be Annexed”

**Surrounding Zoning/
Future Land Use Designation:**

North: *City of Davenport, Heavy Industrial (I-2)*

South: *City of Davenport, Light Industrial (I-1)*

East: Agricultural-General (A-G) and Single-Family Residential (R-1) /
“To Be Annexed” and No Future Land Use designation

West: *City of Davenport, Light Industrial (I-1)*

GENERAL COMMENTS: Local governments that enforce zoning tend to have two core guiding documents: The Comprehensive Plan and the Zoning Ordinance. The Comprehensive Plan is more of a policy statement or a vision statement, detailing how the jurisdiction views and intends to enforce its zoning more broadly. The Zoning Ordinance is the actual code, containing specific laws that, in theory, fit in with the policy goals described in the Comprehensive Plan.

A main element of any Comprehensive Plan is a Future Land Use Map, which can visually convey a future vision for zoning within a jurisdiction. They most often include designations for certain land uses, such as residential, commercial, or industrial, which are overlaid on existing zoning and/or land use maps to show where those land uses would generally be appropriate as the jurisdiction continues to develop. Scott County’s Future Land Use Map is unique in a couple of ways: First, since Scott County’s Comprehensive Plan states clearly that the majority of development is to occur within established cities, the vast majority of the County’s agricultural land area is shown on the Future Land Use Map as unchanged, or without any designation. Second, and in conjunction with the idea that development



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should occur within cities, some areas of Scott County adjacent to city limits are shown as “To Be Annexed (Prior to Development).”

According to the Comprehensive Plan: This “To Be Annexed (Prior to Development)” designation is meant to imply that such property should be considered for annexation prior to development only if and when the property is proposed for development. If, for whatever reason, the adjacent city cannot or does not annex such property then the rezoning under the County’s jurisdiction may be considered.

The applicant initially approached Scott County with a petition to rezone the parcels listed above from Agricultural-General (A-G) to Industrial (I). Since one of the main review criteria for rezoning requests as laid out in the County’s adopted Land Use Policies is “Compatibility with the Future Land Use Map,” and the subject parcels are designated “To Be Annexed (Prior to Development)” on the Future Land Use Map, staff indicated to the applicant that the process to rezone would need to begin with a petition to revise to the Future Land Use Map to remove the “To Be Annexed” designation if the applicant did not wish to pursue annexation with the City of Davenport.

Since the applicant does not wish to pursue annexation, the applicant is petitioning to revise the Future Land Use Map. Therefore, the question before the Commission is ultimately, “Should this area on the map be annexed prior to development?”

Interdepartmental/Public Feedback

All entities that are typically notified of a rezoning request were notified of this request, including the County Engineer, County Health Department, Soil Conservation Service (SCS) District Conservationist, Bi-Site Regional Commission, and the adjacent/nearby city with extraterritorial review authority, which in this case is the City of Davenport. Legal notices were also sent to property owners within five hundred feet (500’) feet of the subject property, and the notice was published in the November 29, 2023 edition of the *North Scott Press*. *The original notice was published in the November 15, 2023 edition.*

The County Health Department, SCS District Conservationist, and Bi-State Regional Commission did not provide official comment for this request.

The County Engineer prepared a letter of support for the rezoning and the applicant’s ultimate vision for the property, but did not comment on whether the Future Land Use Map should be amended for the development to take place within the County’s jurisdiction. That letter is enclosed with this report.



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The City of Davenport was notified by the County when the initial rezoning application was submitted, and immediately set all their processes in motion for the City to respond to that request. Therefore, the County received several letters and phone calls from residents and users of the adjacent airport to oppose the rezoning. The City also sent the County a formal opposition letter responding directly to the Future Land Use Map amendment request dated November 15, 2023. That letter is also enclosed with this report as well as the opposition letters received from the public.

STAFF REVIEW: Scott County has historically amended its Future Land Use Map every few years to reflect changes in the Comprehensive Plan and to ensure the map is serving the County as it should. Very rarely has the County received or responded to requests from landowners to amend the map, and even more rarely has the County approved such requests. The reason being, the Comprehensive Plan is overtly clear about two things: The County's zoning should protect prime agricultural land, and the majority of development should occur within cities.

If the question is, "Should this area on the map be annexed prior to development?," the answer is, "Development should occur within cities."

RECOMMENDATION: Staff recommends that the request to amend the Future Land Use Map to remove the "To Be Annexed" designation be denied.

Submitted by:
Alan Silas, Planning & Development Specialist
November 17, 2023
Updated December 1, 2023

PLANNING & DEVELOPMENT

600 West Fourth Street
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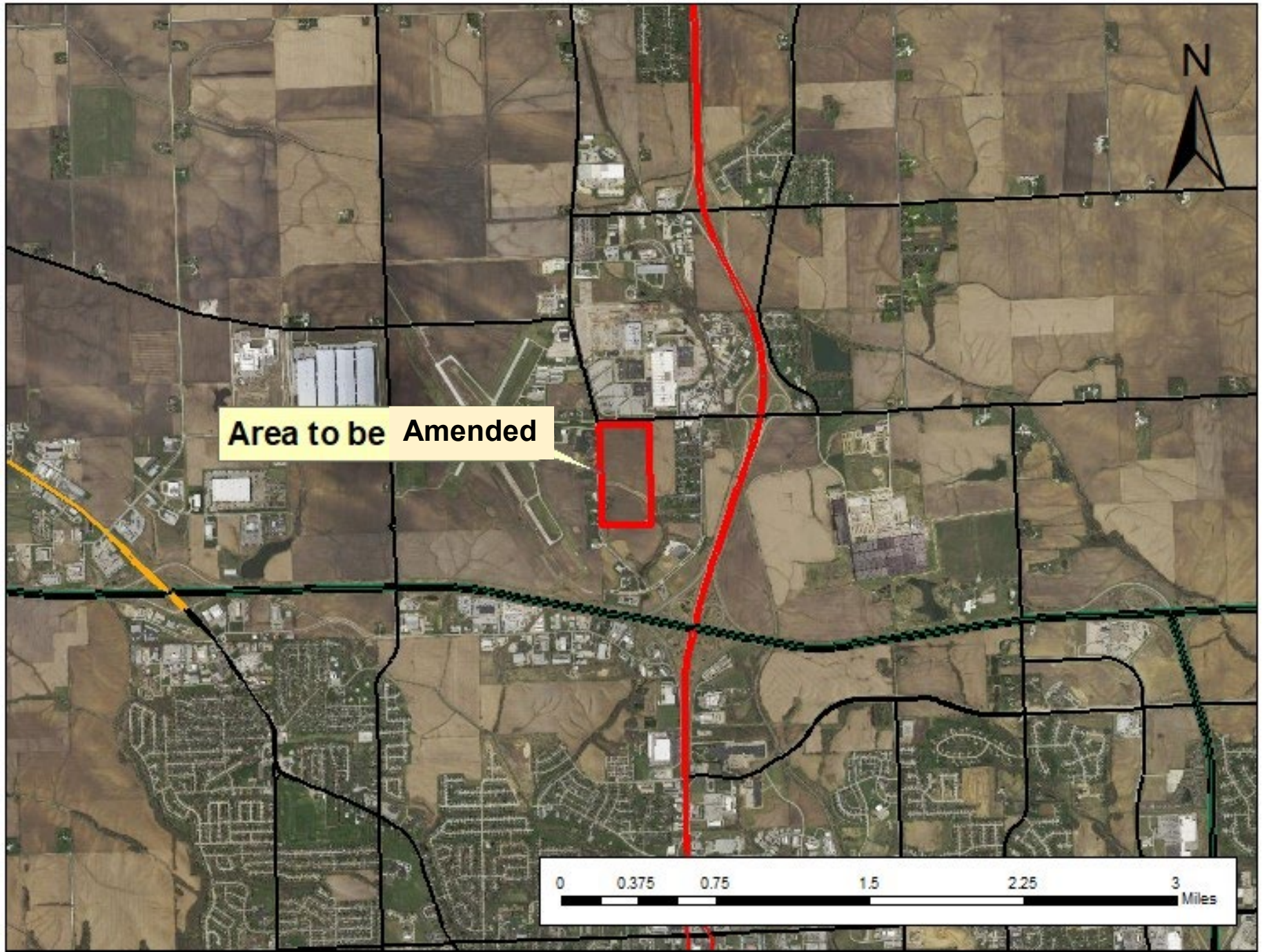


**NOTICE OF BOARD OF SUPERVISORS
PUBLIC HEARING FOR FUTURE LAND USE MAP AMENDMENT**

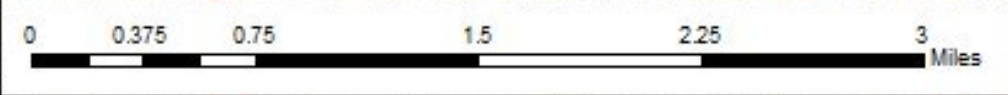
In accordance with Section 6-33 of the Revised Zoning Ordinance for unincorporated Scott County, the Board of Supervisors will review a proposed Future Land Use Map amendment on **Tuesday, December 19, 2023 at 4:30 P.M.** This notice is being sent to property owners of record within 500 feet of the approximate area in question and appropriate County officials. The meeting will be held in the **1st Floor Board Room of the Scott County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801.**

The Board of Supervisors will hear the request of **Riverstone Group, Inc.** to amend the Future Land Use Map for an area in Part of the W ½ of the NE ¼ of Section 35 of Sheridan Township (Scott County Tax Parcels 933505001, 933521001). The area is currently designated "To Be Annexed (Prior to Development)." The applicant is requesting to have that designation removed. The Future Land Use Map amendment in and of itself will *not* allow development on the site. The Planning and Zoning Commission took public comment and voted (5-0) to recommend denial of the request at its December 5, 2023 meeting.

If you have any questions or comments regarding this meeting or proposal, please call or write the Planning and Development Department, Scott County Administrative Center, 600 West Fourth Street, Davenport, Iowa 52801, (563) 326-8643, planning@scottcountyiowa.gov, or attend the meeting.



Area to be Amended

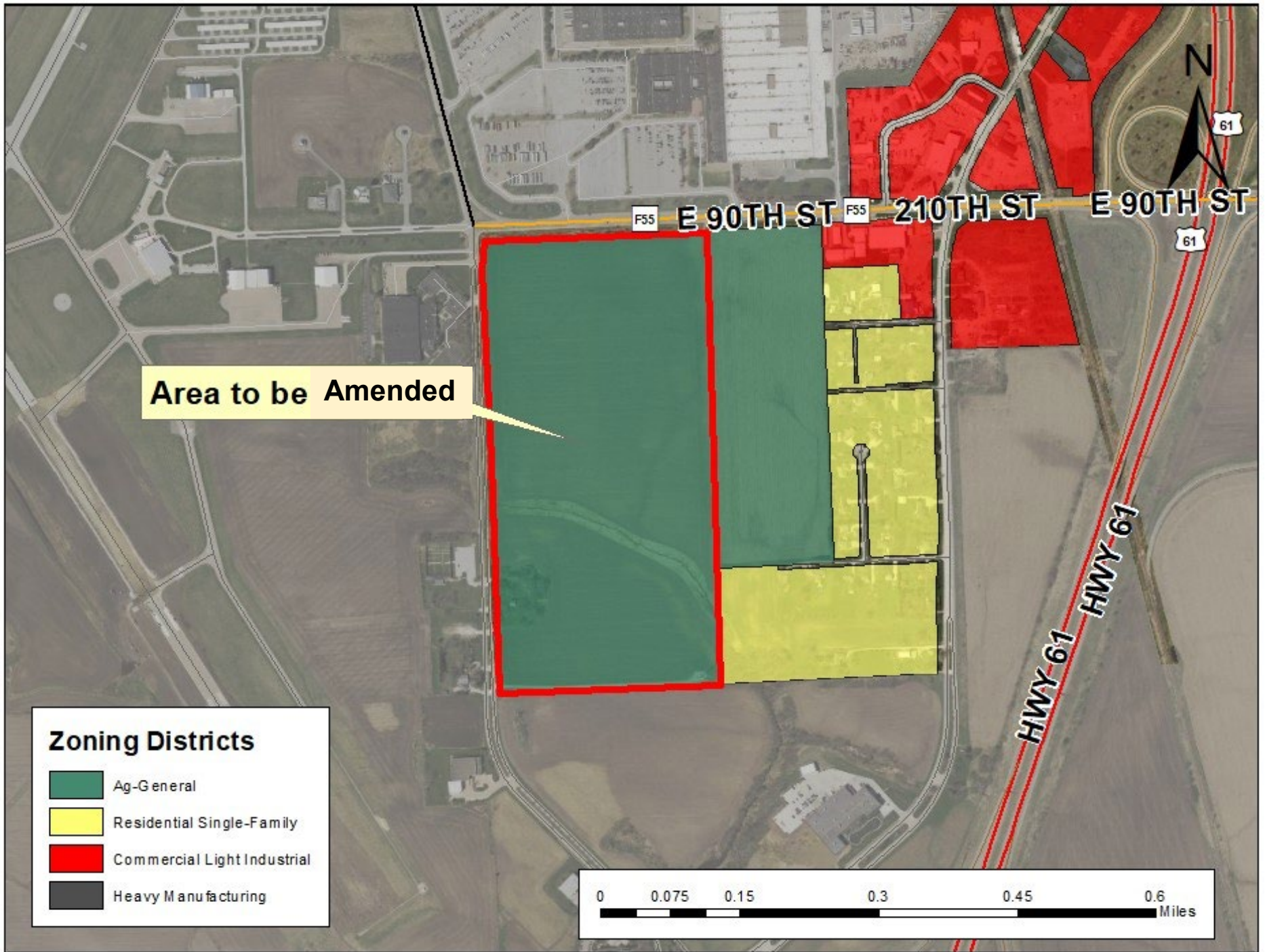


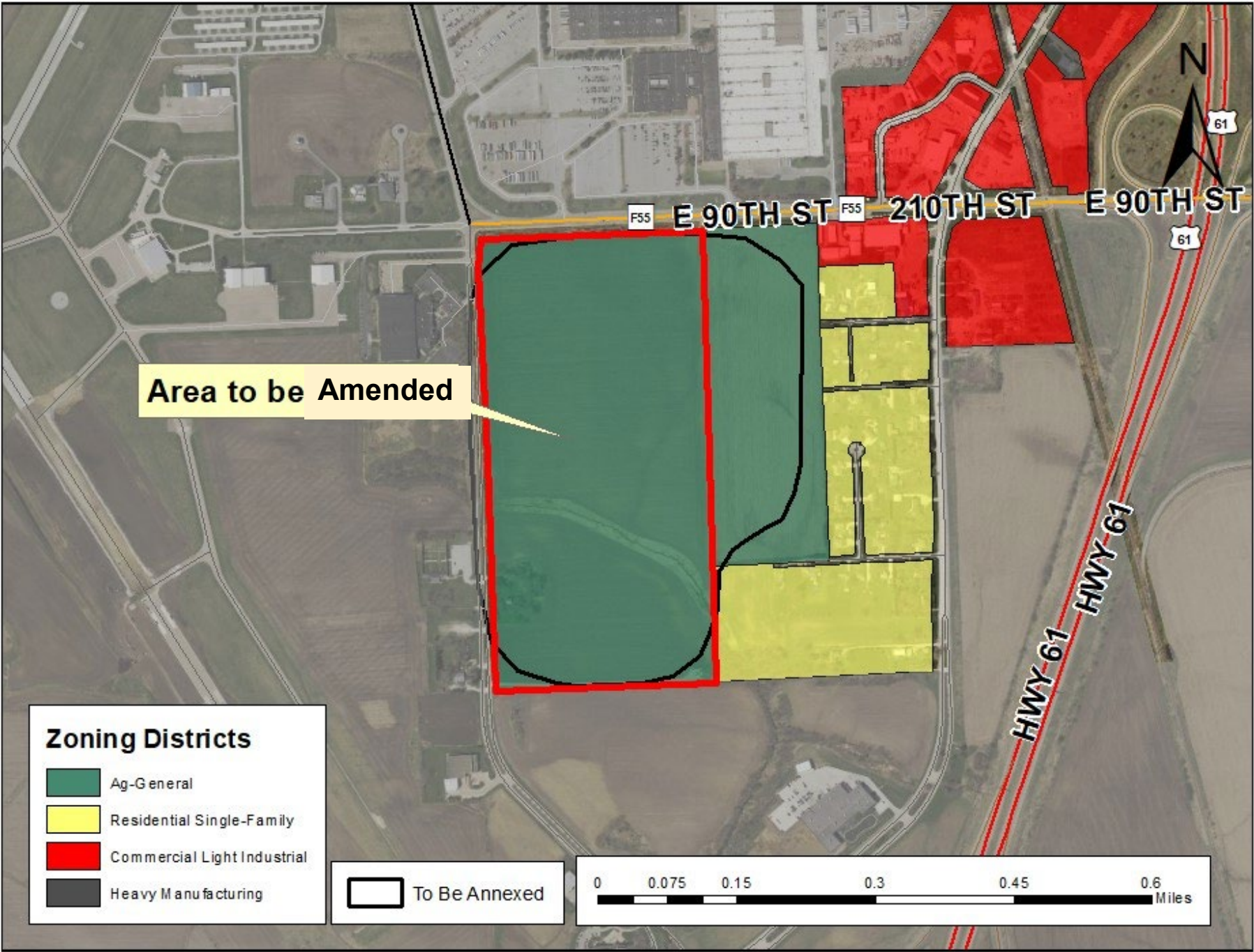


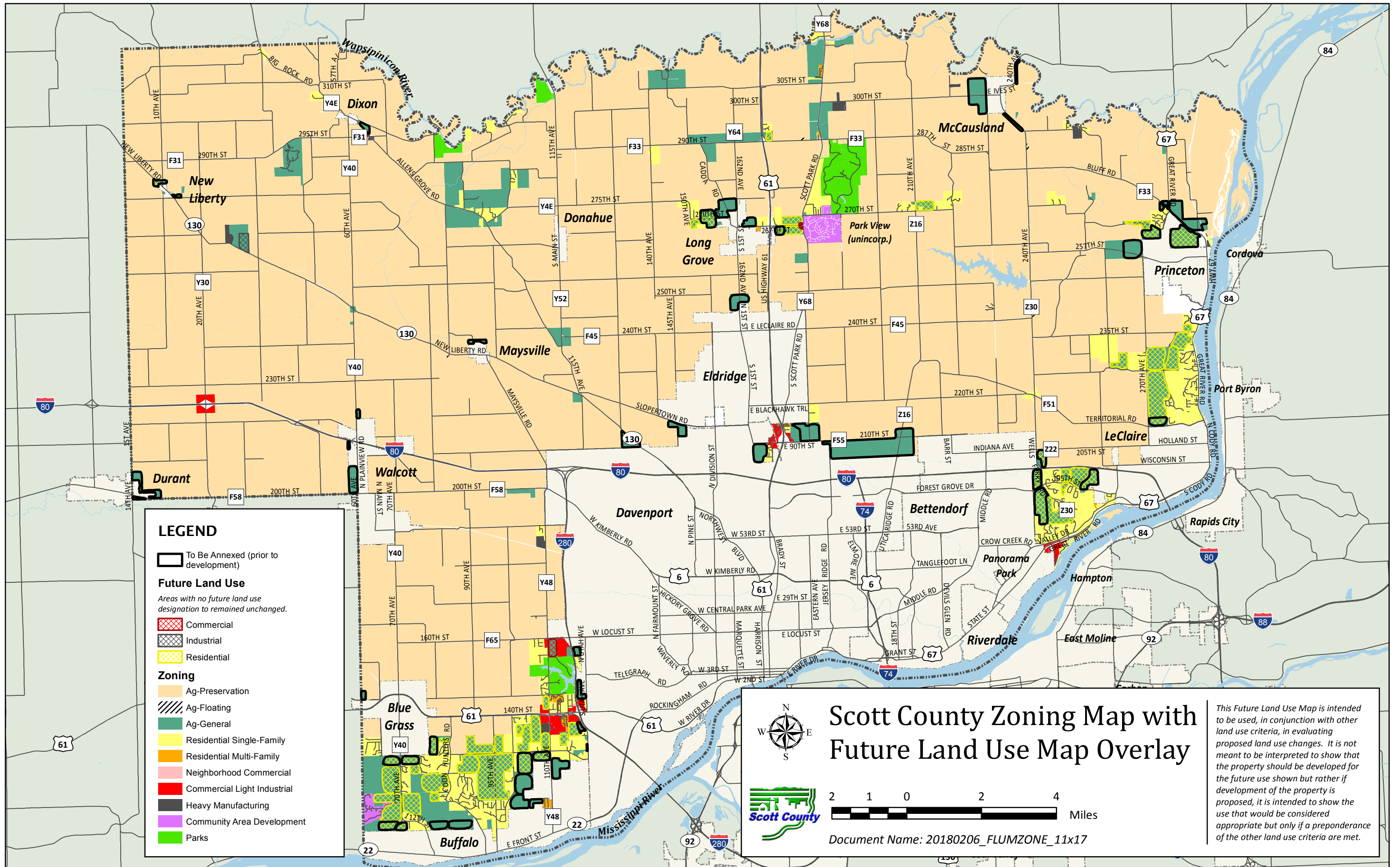


Area to be Amended

0 0.075 0.15 0.3 0.45 0.6 Miles







LEGEND

To Be Annexed (prior to development)

Future Land Use
 Areas with no future land use designation to remained unchanged.

Commercial

Industrial

Residential

Zoning

Ag-Preservation

Ag-Floating

Ag-General

Residential Single-Family

Residential Multi-Family

Neighborhood Commercial

Commercial Light Industrial

Heavy Manufacturing

Community Area Development

Parks

Scott County Zoning Map with Future Land Use Map Overlay

0 1 2 4 Miles

Document Name: 20180206_FLUMZONE_11x17

This Future Land Use Map is intended to be used, in conjunction with other land use criteria, in evaluating proposed land use changes. It is not meant to be interpreted to show that the property should be developed for the future use shown but rather if development of the property is proposed, it is intended to show the use that would be considered appropriate but only if a preponderance of the other land use criteria are met.



Scott County Zoning Map with Future Land Use Map Overlay

Inset Areas

LEGEND

To Be Annexed (prior to development)

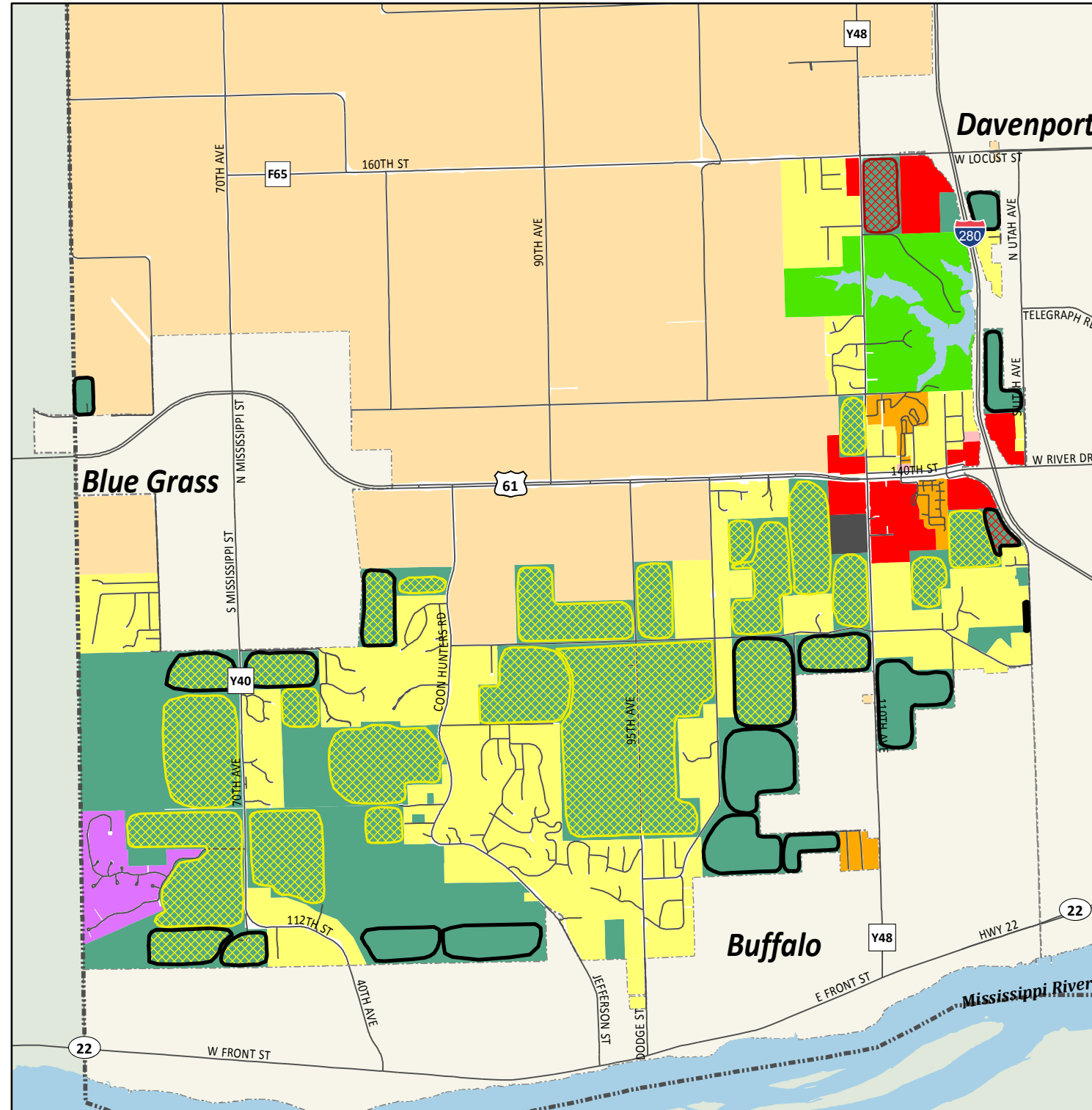
Future Land Use
Areas with no future land use designation to remained unchanged.

- Commercial
- Industrial
- Residential

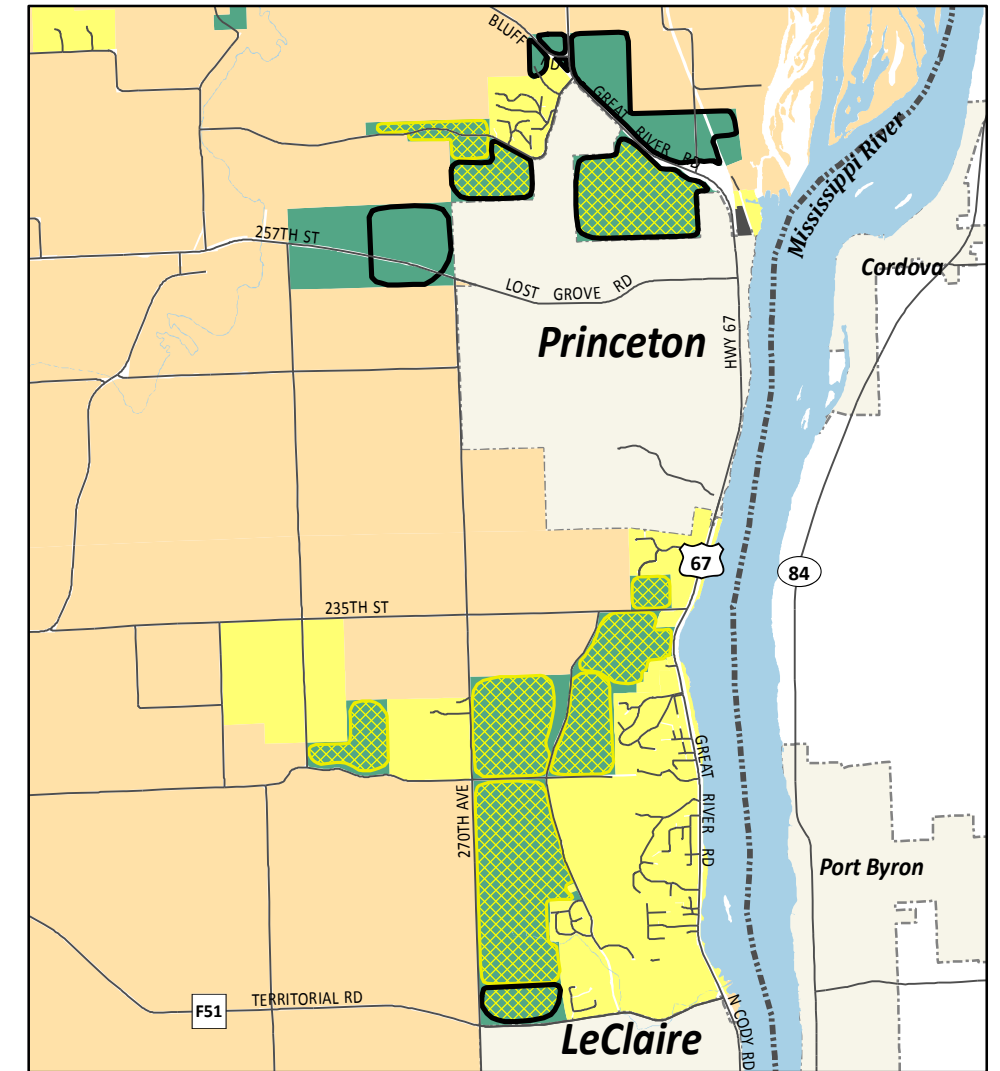
Zoning

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

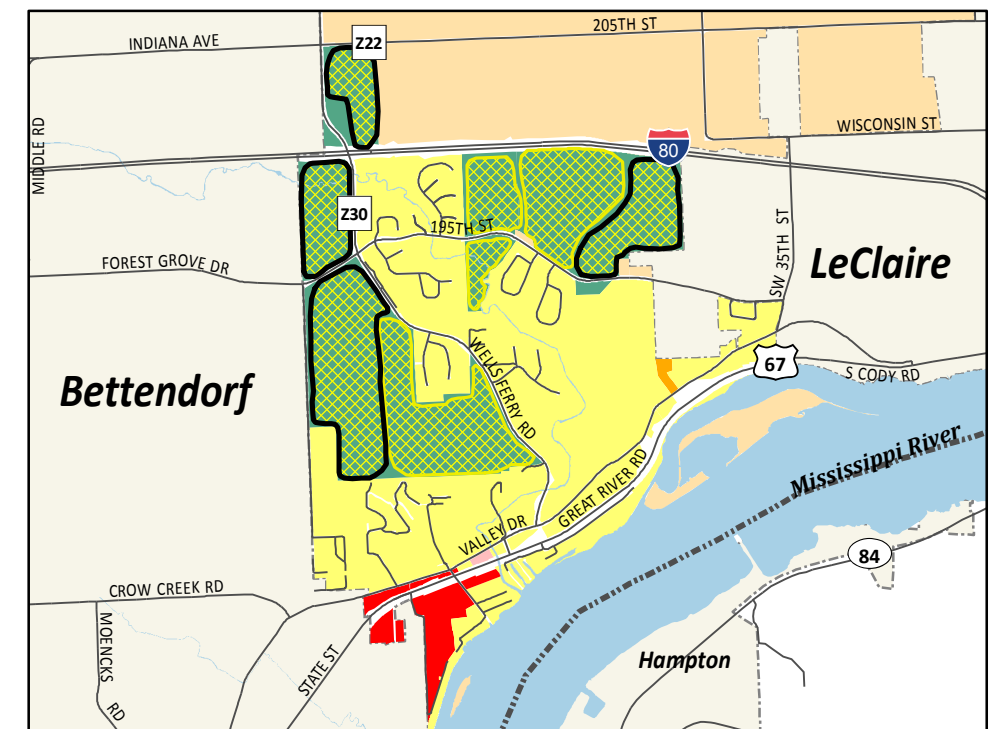
Document Name:
20180206_FLUMZONE_11x17_Inset



Buffalo/Blue Grass Inset



LeClaire/Princeton Inset



Pleasant Valley Inset

SCOTT COUNTY ENGINEER'S OFFICE

950 E. Blackhawk Trail
Eldridge, Iowa 52748

(563) 326-8640

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E-MAIL - engineer@scottcountyiowa.gov

WEB SITE - www.scottcountyiowa.gov



ANGELA K. KERSTEN, P.E.
County Engineer

ELLIOTT R. PENNOCK, E.I.T.
Assistant County Engineer

TARA YOUNGERS
Senior Administrative Assistant

October 25, 2023

Planning and Zoning Commission
Scott County Administrative Center
600 W. 4th Street
Davenport, IA 52801

Dear Planning and Zoning Commissioners:

I write today in strong support of the proposed construction of a Riverstone Group asphalt plant and concrete recycling yard at the southeast corner of the intersection of 210th Street (E. 90th Street) and 165th Avenue (Harrison Street). The addition of an asphalt plant and concrete recycling yard located in central Scott County would greatly benefit our department's road maintenance operations.

The Scott County Secondary Roads Department maintains 225 miles of paved roads and of those roads, 211 miles are asphalt surfaced. Annually, we spend approximately \$250,000 on asphalt maintenance patching with our staff and equipment.

We typically purchase asphalt from asphalt plants that are located in Milan, Illinois; southwest Davenport, Iowa; and Camanche, Iowa. The ability to procure asphalt from central Scott County would greatly benefit our asphalt road maintenance operations. With the additional location, we would expect to increase efficiencies, reduce transportation costs, increase flexibility in fulfillment of orders, and potentially see reduced costs due to greater competition.

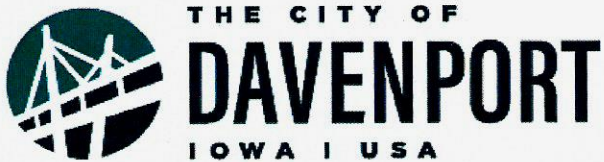
Additionally, our maintenance facility is located approximately one mile northeast of the proposed Riverstone Group asphalt plant and concrete recycling yard. Being located close to our facility would allow us to extend our productivity at the beginning and end of the work day.

Scott County takes pride in maintaining a high performing transportation system of 562 miles of roads, 114 National Bridge Inventory (NBI) bridges, and over 5,000 culverts. The addition of an asphalt plant and concrete recycling yard in central Scott County would greatly assist our department with performing efficient and cost effective maintenance of our road system. I appreciate your consideration of this proposed development.

Sincerely,

A handwritten signature in blue ink, appearing to read "AK Kersten", written over a light blue grid background.

Angela K. Kersten, P.E.
Scott County Engineer



November 15, 2023

Chris Still, Director
Scott County Planning Development
600 West Fourth Street
Davenport, IA 52801

cc: Ken Beck, Chairman, Scott County Board of Supervisors
Mahesh Sharma, Scott County Administrator

RE: Future Land Use Amendment Request | Riverstone Group
Part of the W ½ of the NE ¼ of Sec 35, Sheridan Township

Mr. Still,

The City of Davenport received a public notice from Scott County Planning & Development regarding a proposed Future Land Use Map amendment for land located at the southeast corner of Harrison Street and West 90th Street.

The City of Davenport objects to the proposed rezoning petition for the following reasons:

1. The property shares its boundaries with the City Limits to the north, south, and west. Davenport would like to have the opportunity to annex this land for future development.
2. The City has the ability to accommodate future development of this site. The necessary utility infrastructure including sanitary sewer is already located on the property. A map is enclosed showing the existing 10-inch and 24-inch sanitary sewer mains located on the land. Emergency services are in place to support development of this area.
3. The City understands that amending the Future Land Use Map is the first step in an effort to rezone the land in I – Industrial District. A heavy industrial user in close proximity to the Davenport Municipal Airport and National Guard is a major concern. The potential dust creation and airborne debris may cause a hazard to aircraft arrivals, departures, and traffic patterns. Air pollution generated at the site can potentially damage aircraft and create unsafe


aviation conditions for pilots and passengers. Allowing a potential aviation hazard to exist adjacent to the airport will be a detriment to overall airport operations.

4. The outside impacts produced by this development will be a detriment to the public health, safety, and welfare of the city and abutting residential neighborhoods in unincorporated Scott County. Heavy industrial users often produce noise, vibration, illumination, or particulate that is perceptible to adjacent land users. Instead, the business park has been marketed for high-quality light industrial development that operates fully within an enclosed building.

Davenport has a longstanding working relationship with the County in supporting areas ready to develop. We hope to continue this successful relationship for the mutual benefit of the region.

Please forward this letter to the Scott County Planning and Zoning Commission and Board of Supervisors as formal opposition. The City appreciates your time and consideration in this matter.

Sincerely,



Mike Matson
Mayor

cc: Corri Spiegel, City Administrator
Laura Berkley, Development & Planning Administrator



Map Amendment

Parcels & Sanitary Sewers



To the Scott County Planning and Development Department,

This letter addresses the anticipated rezoning request by the River Stone Group. The River Stone Group desires to spot rezone the land on Harrison Street surrounding the Davenport Municipal Airport. This rezoning is incompatible with the current land use requirement of the area.

The nature of the work of this organization produces dust and fine airborne rock material. This material has been proven by numerous scientific communities to be deleterious to aircraft engines which, by extension, would be detrimental to the safety of flight operations, for both piston and turbine powered aircraft.

In addition to particulate ingestion, both airborne and settled particulate is an insidious threat to air traffic as well. Particulate settling on aircraft both outside and inside the hangars, and personal vehicles will cause pitting on the delicate aircraft windscreens, and on all of the painted surfaces. Certain wind conditions will cause reduced visibility. To the east of this parcel of land is approximately thirty-two residential homes which would also be negatively impacted due to the noise, dust, and the fine rock particles in the air created by this particular business.

My personal experience with rock crushers, and my current knowledge of both the industrial and residential usage of the area along the easternmost edge of the property lines, leads me to believe that this business is not compatible with this area. This business would be detrimental to the functioning of the Davenport Municipal Airport, and would negatively impact the business of the fixed based operator, REVV Aviation. Aviation maintenance and repair is costly. Aviation business will avoid areas with airborne particulates that are damaging to aircraft. This avoidance will affect the maintenance business, fuel sales, charter service, and pilot training that are, effectively, the whole of REVV Aviation's business.

Sincerely

Floyd Taber

A handwritten signature in black ink, appearing to read 'Floyd Taber', written in a cursive style.

Davenport Municipal Airport Hangar Tenant D3 1957 Cessna 172

5046 Wyndham Ct
Bettendorf, IA 52722

Scott County Planning and Development
600 E 4th Street
Davenport, IA 52801

I'm writing to express my concern regarding the rezoning request by the River Stone Group. I am a pilot and owner of an aircraft based at the Davenport Municipal Airport. I have a Commercial pilot license, as well as Aircraft Airframe and Powerplant Mechanic and Inspection Authorization licenses issued by the FAA. I served many years on the Davenport Airport Commission, including over five as Chairman.

The River Stone Group desires to rezone the land on Harrison Street adjacent to the Davenport Municipal Airport. This rezoning request is incompatible with the current land use of the area. Crushing rock creates dust and airborne abrasive particulate material. This material has been proven by numerous scientific studies to be hazardous to aircraft engines, and to safe flight operations, for both piston and turbine powered aircraft.

According to the FAA, fine abrasive particulate matter damages [piston and] jet turbine engines; abrades cockpit windows, airframe and flight surfaces; clogs the pitot-static system; penetrates into air conditioning and equipment cooling systems; and contaminates electrical and avionics units, fuel and hydraulic systems, and cargo-hold smoke-detection systems. In addition to airframe damage, this dust can negatively impact visibility to air traffic as well.

To the east of the proposed parcel of land are many residential homes which would also be negatively impacted due to the noise, and the fine rock particles in the air created by this particular business.

Allowing this business would be detrimental to the functioning of the Davenport Municipal Airport, and all of its tenants. It would negatively impact the business of the fixed based operator, REVV Aviation. It would also have a serious impact on the Iowa Air National Guard Operations located at the Airport. I believe it could also impact Amazon and future development west of the Davenport Airport.

Studies by Iowa State University in 2009 showed the Davenport Municipal Airport generated an annual economic impact in excess of 20 Million dollars. It certainly far exceeds that today.

I believe allowing this incompatible use of adjacent land would be a grave mistake for all of the reasons listed above.

Sincerely,



Craig Olson

cc: Mayor Mike Matson, Aldermen Judith Lee, Aldermen Ben Jobgen, Airport Mgr., T. Vesalga

Gary VandeVoorde
9751 123rd St.
Davenport, IA. 52804
217-412-1376

Scott County Planning and Development
600 E. 4th St.
Davenport, IA. 52801

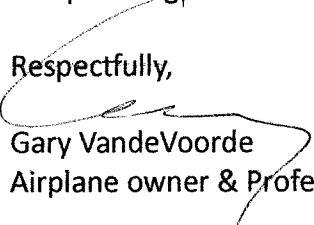
Planning and Development,

I have been notified of a request to rezone land near the Davenport Municipal Airport for the benefit of River Stone Group. I have my personal airplane hangared at the Davenport Municipal Airport and have serious concerns regarding the requested rezoning. Of most concern is the dust that is generated in the processing of the stone product. The processing dust directly affects my airplane in several ways but most prominently by impact erosion. In general aircraft fly at speeds of at least one hundred miles per hour even when operating near the airport. The impact of dust particles will scratch the Lexan windshield, erode leading edge paint on the wings and tail surfaces of the airplane and cause high refinishing or replacement costs. The near supersonic speeds of the turning propeller impacting the rock dust will cause leading edge erosion and costs of several thousand dollars for overhaul and tens of thousands for replacement. Even the briefest exposure of flying through a cloud of rock dust will directly affect my airplane. Ingestion of rock dust has potential to reduce the power output of the engine and could ultimately cause failure. The planning board should consider these costly and direct operating hazards.

Furthermore, the poor condition of the pre-war T-hangar does not fully protect my airplane from weather elements and now the potential for frequent rock dust may cause me to relocate to another municipal airport. The open 1-2 inch gaps in the hangar door structure and leaking roof provide ready access for the additional rock dust. Time will tell if there is a corrosive element to the additional dust to the aluminum airframe structure.

There is no up-side to allowing River Stone Group to have a greater impact near the airport. The planning board should deny the rezoning as proposed.

Respectfully,



Gary VandeVoorde
Airplane owner & Professional pilot



Eric D. Puryear

Eric S. Mail

All Attorneys Admitted in Iowa and Illinois

3719 Bridge Ave. Suite 6

Davenport, IA 52807

Phone: (563) 265-8344

Contact@PuryearLaw.com

www.PuryearLaw.com

November 3, 2023

via First Class Mail

via Email <planning@scottcountyiowa.gov>

Scott County Planning and Development

600 W 4th St.

Davenport, IA 52801

Re: Extraterritorial Rezoning - Riverstone Group, Inc.

To whom it may concern:

I am writing in regard to the possible rezoning of the 75.26 acres from Agricultural-General to Industrial, located in Part of the W ½ of the NE ¼ of Section 35 of Sheridan Township (Parcel ID's 933505001 and 933521001.)

I oppose Riverstone Group, Inc.'s request to rezone this area as it is a hazard to aviation. If this were to be approved, it could put a lot of dust in the air and when the wind is out of the East, it would drift over the airport. This could not only cause visibility issues on and around the airport, there is a possibility of dust ingestion into operating engines, which could be catastrophic during arrivals and/or departures.

Very truly yours,

Eric D. Puryear

Attorney at Law

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE _____

SCOTT COUNTY AUDITOR

R E S O L U T I O N
SCOTT COUNTY BOARD OF SUPERVISORS
December 19, 2023
APPROVING AN AMENDMENT TO SCOTT COUNTY'S
ADOPTED FUTURE LAND USE MAP

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

Section 1. The Scott County Planning and Zoning Commission held a public hearing on December 5, 2023 to consider and take public comment on a Future Land Use Map amendment for an area of the County in Part of the W ½ of the NE ¼ of Section 35 of Sheridan Township (Scott County Tax Parcels 933505001, 933521001).

Section 2. As adopted the Future Land Use Map is intended to be one of the criteria used in evaluating land use changes, zoning map amendments and development proposals for compliance with all the various goals, objectives, policies and criteria established in the Scott County Comprehensive Plan, as adopted and amended.

Section 3. The Board of Supervisors held its own public hearing on the proposed Future Land Use map amendment on December 19, 2023.

Section 4. The Board of Supervisors hereby adopts and incorporates this Future Land Use Map amendment as an element of the Scott County Comprehensive Plan.

Section 5. This resolution shall take effect immediately.