



PLANNING & ZONING COMMISSION

STAFF REPORT

August 7, 2018



- Applicant:** Christopher and Marla Brown
- Request:** Rezone 3.56 acres, more or less, from Agricultural-Preservation (A-P) to Single-Family Residential (R-1)
- Legal Description:** Part of the NW ¼ of the SE ¼ of Section 5 in LeClaire Township
- General Location:** Adjacent to Pebble Creek Golf Course and the corporate limits of the City of LeClaire
- Existing Zoning:** Agricultural-Preservation (A-P)
- Existing Land Use:** Single-family dwelling
- Surrounding Zoning:**
- North:** *City of LeClaire* (Planned One & Two Family Residential (PR-2))
  - South:** Single-Family Residential (R-1)
  - East:** *City of LeClaire* (Planned One & Two Family Residential (PR-2))
  - West:** Agricultural-Preservation (A-P)

**GENERAL COMMENTS:** This request is to rezone a 3.56 acre tract of land from Agricultural-Preservation (A-P) to Single Family Residential (R-1). According to the petition to rezone, rezoning will allow the applicants to subdivide the single parcel with an existing single-family dwelling into three (3) parcels, each with a development right for one (1) single-family dwelling.

In pursuit of the first Land Use Objective in the Comprehensive Plan to “encourage the majority of future growth to occur within the boundaries of existing cities where adequate public services can be provided,” and given the property’s proximity to the City of LeClaire, staff directed the applicants to first consult with the city to gauge interest in annexation. The applicants and County staff were told by the City Administrator that the city did not find it feasible to provide city services to the property, primarily sewer and water, and that they should pursue their request with the County.

**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 a land use change.



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*Is the development on marginal or poor agricultural land?*

Containing only timber, grassy areas, and the single existing dwelling, none of the area to be rezoned is currently in agricultural production, though Corn Suitability Ratings (CSR's) range from the mid-teens to mid-80s.

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

The area to be rezoned has frontage along 195<sup>th</sup> Street, 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. 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 immediately adjacent to the city limits of LeClaire and a golf course. There has been an historic trend of residential development in this area of the county and the Future Land Use map indicates most of the undeveloped land in the vicinity is appropriate for future residential development. Since the proposal would adhere to nearby development trends, 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 residential development and recreational land use (golf course), and thus would cause little added disruption to existing agricultural activities.

*Does the area have stable environmental resources?*

The area to be rezoned is consumed entirely by timber, grassy areas, and the single existing dwelling. The property slopes from the southwest to the northeast with approximately 50 feet of relief. If the area were to be rezoned and later subdivided as intended, the two additional development lots created would be generally flat.

*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.



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*Is there a recognized need for such development?*

Even in a strict agricultural preservation county like Scott County, it must be recognized that there is a demand (“need”) for residential development in the rural areas.

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 as 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 cities of LeClaire and Bettendorf 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 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:  
Timothy Huey, Director  
August 3, 2018