



PLANNING & ZONING COMMISSION

STAFF REPORT

January 19, 2021



- Applicant:** Alan & Erin Rubach DBA Winters Hollow LLC
- Request:** Rezone 72.05 acres, more or less, from Agricultural General (A-G) to Single Family Residential (R-1)
- Address:** Adjacent to but not including, 26880 Scott Park Road, Eldridge
- Legal Description:** 72.05 acres, more or less, located in the NW¹/₄NE¹/₄ of Section 36 in Winfield Township and the NE¹/₄NE¹/₄ excluding The East 555 feet of the South 542 feet of the NE¹/₄NE¹/₄ of Section 36 in Winfield Township ([Parcel # 033605003](#), [Parcel # 033607005](#)).
- General Location:** Northwest of the intersection of Scott Park Road and 267th Street; 1/3 mile east of the incorporated city limits of Long Grove, Iowa; across Scott Park Road to the west from unincorporated census designated place of Park View, Iowa.
- Existing Zoning:** Agricultural-General (A-G)
- Future Land Use Map:** Yes, Residential
- Proposed Zoning:** Single-Family Residential (R-1)
- Surrounding Zoning:**
- North:** Agricultural-Preservation (A-P)
 - South:** Agricultural-General (A-G)
 - East:** Community Area Development District (Park View)
 - West:** Agricultural-General (A-G)/Single Family Residential (R-1)

GENERAL COMMENTS: This request is to rezone 72.05 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 one single-family dwelling in the immediate future and market the remainder of the rezoned property for residential development in the long term future. Currently, 55 acres of the property is pasture/timber and the remainder is tilled crop land in agricultural production. The request does not include a 2.8 acre single family residence addressed 26880 Scott Park Road. The request also does not include a 5.5 acre tract, more or less, located to the northwest of the intersection of 267th Street and Scott Park Road, otherwise described as part of the SE¹/₄NE¹/₄NE¹/₄ of Section 36 in Winfield Township. The 5.5 acre tract is show on the Future Land Use Map as future commercial.



PLANNING & ZONING COMMISSION

STAFF REPORT

January 19, 2021



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:

1. *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 (FLUM) as future residential. This area has been shown on the FLUM since its adoption in 1998. The request area to be rezoned is currently zoned Agricultural-General (A-G) and has been since the adoption of the 1981 Scott County Zoning Ordinance.

The rezoning request meets this criteria.

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

Of the 72.05 acres, more or less, request to be rezoned, 55 acres is currently pasture/timber and contains soil with a Corn Suitability Rating (CSR) of less than 50. The remaining 17 acres contains soil with a CSR of more than 70 and is currently tilled land in agricultural production. Thus, 76% of the land requested to be rezoned is on marginal or poor agricultural land.

The rezoning request meets a preponderance of this criteria.

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

The area to be rezoned has frontage along 267th Street and Scott Park Road, both adequately-constructed, paved County roads.

The rezoning request meets this criteria.

4. *Does the proposed development have adequate provision for public or private sewer and water services?*

The property is not currently served by public sewer or public water. Any further development must comply, or continue to comply, with State and County health regulations for on-site wastewater treatment. The current development proposal is for one single-family dwelling to be constructed, pending the approval of the rezoning. If additional subdivision takes place, adequate provision for public or private sewer and water would be reviewed in the platting stage. The County Health Department did not have any comments or concerns regarding the proposal.

Park View Sanitary and Water District is adjacent to the proposed rezoning site. Staff reached out to the Operations Manager for the district and he responded with the



PLANNING & ZONING COMMISSION

STAFF REPORT

January 19, 2021



following comments regarding the rezoning application and potential for future residential development hooking up to Park View Water & Sanitary District:

“Dear Taylor,

26880 Scott Park Road, Eldridge, is not a current customer of the Park View Water & Sanitary District.

As for the Rubach rezoning request, at this time, and assuming all plotted but undeveloped/empty lots within the Park View Water & Sanitary District service area are developed and occupied residentially, and then adding a generous development value of 1.5 residences/acre to the proposed development, at 3 people per residence, the Park View Water & Sanitary District looks to estimate a total average demand of 198,764 Gallons Per Day, with a maximum demand of 304,456 GPD to the water system.

Park View Water & Sanitary District is currently midway through the construction of a water treatment plant that, upon completion in June, 2021, will have a minimum production capacity of 387,000 GPD and a maximum production capacity of 501,000 GPD.

The Park View Water & Sanitary District is also currently in the beginning of a Lagoon Improvement Project that, upon completion in October, 2021, will have the capacity to accept an Average Dry Weather flow of 0.492 MGD and an average BOD loading of 850 lbs/day. With the same capacity assumptions as above, the ADW flow is anticipated to be 0.19782 MGD, and the average BOD loading is anticipated to be 603 lbs/day. Both are within the design limits of the permit.

Should the Board of the Park View Water & Sanitary District be requested by the proposed development to provide water and sanitary utility services, and accept the request, the water and sewer utility can incorporate the development population while maintaining capacity and treatment requirements in our water and sewer utilities.

Thank you.

Sincerely

Brent A. Earley
Operations Mgr.
Park View Water & Sanitary District”



PLANNING & ZONING COMMISSION

STAFF REPORT

January 19, 2021



The rezoning request meets this criteria.

5. *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 Long Grove and adjacent to the Census Designated Place of Park View. Both Long Grove and Park View have a mixture of residential and commercial land uses. Since the proposal is adjacent to mixed use developments, as stated above, it would not be seen as encouraging urban sprawl.

The rezoning request meets this criteria.

6. *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.

The rezoning request meets this criteria.

7. *Does the area have stable environmental resources?*

The property mostly made up of sloping wooded areas with some flat agricultural land located on the eastern 1/3 of the property. 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. Initial plans for development include one single family home located on the eastern half of the property. Future subdivision of the property would review this criteria during the platting stage.

The rezoning request meets this criteria.

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

Agricultural land exists to the north and south of the area proposed to be rezoned. Park View and timberland exist to the east and west of the property. The need for buffering this proposed residential development from adjacent farmland would be reviewed in conjunction with the subdivision review.

The rezoning request meets this criteria.

9. *Is there a recognized need for such development?*

The adopted land use policies do recognize that there is a need for providing



PLANNING & ZONING COMMISSION

STAFF REPORT

January 19, 2021



opportunities for a variety of housing types in Scott County.

The rezoning request meets this criteria.

10. *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.

The rezoning request meets this criteria.

Public Comment & Department Review

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property of this hearing. Two signs 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 received comment from two members of the public who are opposed to the rezoning due to their belief that development should occur in the cities.

Staff has also notified the County Engineer, County Health Department, Bi-State Regional Commission, and the City of Long Grove 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
January 14, 2021