



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*