



PLANNING & ZONING COMMISSION  
STAFF REPORT  
January 16, 2024



- Applicant:** Riverstone Group, Inc.
- Request:** Rezone 75.26 acres, more or less, from Agricultural-General (A-G) to Industrial (I)
- Legal Description:** Part of the W ½ of the NE ¼ of Section 35 of Sheridan Township  
Scott County Tax Parcels 933505001, 933521001
- General Location:** North of Interstate 80, East of Davenport Municipal Airport, in the area historically known as Mount Joy
- Existing Zoning:** Agricultural-General (A-G)
- Surrounding Zoning:**
- 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)
  - West:** *City of Davenport, Light Industrial (I-1)*

**GENERAL COMMENTS:** This request is to rezone 75.26 acres, more or less, from Agricultural-General (A-G) to Industrial (I). The applicant intends to establish a recycle yard for excavated concrete and asphalt.

The Industrial (I) district is intended and designed to provide areas for industrial and/or commercial development of a more intense character than those allowed in the Commercial-Light Industrial (C-2) district. Of the non-“floating” or -“overlay” zoning districts, Industrial is the most intensive and allows for operations that generate noise, smoke, odors, dust, and involve significant areas of outdoor storage of raw materials or finished products.

**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. That requires the Commission to assign weight to the criteria that most apply to the rezoning request at hand, and determine whether and to what extent the request meets the spirit and intent of the Land Use Policies.

*Is the development in compliance with the adopted Future Land Use Map?*

The adopted Future Land Use Map shows the subject property as “To Be Annexed



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(Prior to Development).” The applicant applied for an amendment to the Future Land Use Map to have that designation removed: The Planning & Zoning Commission held a public hearing and took public comment on the request on December 5, 2023 and, with a 5-0 vote, recommended denial of the amendment. The applicant forwarded the recommendation to the Board of Supervisors which, at its December 19, 2023 public hearing, voted (5-0) in accordance with the Commission’s recommendation. Therefore, the subject property is still designated “To Be Annexed (Prior to Development).”

**The rezoning request does not meet this criterion.**

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

The subject property contains two parcels with CSR2 ratings between 81 and 100. The average CSR2 for Parcel 933505001 is 94.75. The average CSR2 for Parcel 933521001 is 93.03. Scott County has historically considered CSR2 ratings of 60 and above as “prime” agricultural land.

**The rezoning request does not meet this criterion.**

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

The area to be rezoned has frontage along Harrison Street/165<sup>th</sup> Avenue and East 90<sup>th</sup> Street/210<sup>th</sup> Street, both adequately-constructed, paved roads.

**The rezoning request meets this criterion.**

*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 development within the County must comply with State and County health regulations for on-site water supply and wastewater treatment. The County Health Department did not have any comments or concerns regarding the proposal.

The City of Davenport has indicated public sewer service is available for the property, but the property would need to be annexed into the City before utilizing it.

**The rezoning request meets a preponderance of this criterion.**

*Is the area near existing employment centers, commercial areas and does not encourage*



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*urban sprawl?*

The subject property is immediately adjacent to Davenport city limits, in an area that contains an abundance of employment centers, and commercial and industrial areas.

**The rezoning request meets this criterion.**

*Is the proposed development located where it is least disruptive to existing agricultural activities?*

The subject parcels are two (2) of the four (4) unincorporated-County parcels within Mount Joy that are currently being used for productive agriculture. The other parcels being used for productive agriculture are immediately adjacent to the subject parcels, so development of the site would likely be disruptive to the existing agricultural activities on those parcels. However, agricultural activities in Mount Joy are already subject to, and have historically been subject to significant disruption given the amount and intensity of non-agricultural land uses in the area.

To contextualize the scale of “least-disruptive-to-most-disruptive:” Since the subject parcels are not within or on the periphery of an Agricultural-Preservation (A-P) district (which make up an overwhelming majority of the County’s zoning map), development of the parcels would perhaps be the one of the “least disruptive to agricultural” locations in unincorporated Scott County.

**The rezoning request meets a preponderance of this criterion.**

*Does the area have stable environmental resources?*

The area to be rezoned is generally quite flat with elevations on the property ranging from 726 feet to 746 feet, with slopes mostly ranging from 0% to 5% and some areas (<10% of subject property) designated as “eroded” status according to the Web Soil Survey data from the Natural Resources Conservation Service (NRCS). The area to be rezoned is not within a floodplain or floodway, and has historically accommodated productive agriculture.

**The rezoning request meets this criterion.**

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

The area to be rezoned is immediately adjacent to light and heavy industrial uses



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within city limits of Davenport, but is also immediately adjacent to the Davenport Municipal Airport and National Guard to the west, productive agricultural parcels to the east, and single-family residential within 350 feet east of the subject parcels.

The City of Davenport, in a letter dated December 15, 2023, said the proposed development's proximity to the airport and National Guard Aviation operations at the Army Aviation Support Facility, which is co-located at the airport, "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. The loss of life due to equipment failure or lack of visibility is a real and significant concern." That sentiment is echoed in a letter dated January 3, 2024 from Charles H. Lampe, Colonel, AV, Iowa Army National Guard.

While the airport may not be considered a "less intensive land use," staff believes it could be negatively impacted by a plurality of the principal permitted uses (operations that generate noise, smoke, odors, and dust) in the Industrial (I) District.

Since productive agricultural parcels are immediately adjacent to the subject parcels, there are no moderately-intensive zoning districts or land uses to act as a buffer to the agricultural activities.

The only buffers between the residential area to the east and the subject parcels are the above-mentioned agricultural parcels, which create a separation distance between the subject parcels and the nearest residential parcel of only approximately 342 feet.

**The rezoning request does not meet a preponderance of this criterion.**

*Is there a recognized need for such development?*

The Quad Cities, and Iowa Quad Cities specifically have enjoyed a great deal of growth over the past decade and, as the applicant has stated in its application materials, the area may benefit from having a centrally-located recycle yard for excavated concrete and asphalt.

**The rezoning request meets this criterion.**



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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 received several phone calls from members of the public interested in the request and hearing schedule. Staff also received a formal opposition from the City of Davenport, which was mentioned earlier in this report and entered into the record. Also entered into the record is an opposition letter from Charles H. Lampe, Colonel, AV, Iowa Army National Guard, dated January 3, 2024, which was mentioned earlier in this report.

Staff has also notified the County Secondary Roads Department, County Health Department, Bi-State Regional Commission, and the local NRCS for review and comment. The Secondary Roads Department, Health Department, and local NRCS did not have any comments or concerns. Bi-State Regional Commission provided a review of the request, which has been entered into the record.

**RECOMMENDATION:** Staff believes there are two clear, overriding goals of the County's Land Use Policies: to direct development to incorporated cities, and to protect prime agricultural land. The subject property is both adjacent to a city that can provide city services, and is considered prime agricultural land. Staff also believes the proximity to less-intensive County zoning districts and land uses, as well as the airport, makes the subject property a poor location for operations that generate noise, smoke, odors, and dust, and involve significant areas of outdoor storage of raw materials or finished products, such as those permitted in the Industrial (I) zoning district.

Staff recommends that the rezoning of 75.26 acres from Agricultural-General (A-G) to Industrial (I) be denied based on its lack of compliance with a preponderance of the criteria of the Revised Land Use Policies.

Submitted by:  
Alan Silas, Planning & Development Specialist  
January 12, 2024



December 15, 2023

Alan Silas  
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: Rezoning Request | Riverstone Group  
Part of the W ½ of the NE ¼ of Sec 35, Sheridan Township

Mr. Silas,

The City of Davenport received a public notice from Scott County Planning & Development regarding a proposed rezoning for land located at the southeast corner of Harrison Street and West 90th Street from Agricultural-General to Industrial.

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

1. 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. The loss of life due to equipment failure or lack of visibility is a real and significant concern.
2. The outside impacts produced by this development will be a detriment to the public health, safety, and welfare of the city airport 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.
3. The surrounding land uses are not compatible with the rezoning request. The Iowa Research, Commerce & Technology Park is directly to the south of the rezoning request, and is marketed for high-quality light industrial development that operates fully within an enclosed building. To the west is Genesis Systems, a



robotics manufacturing company. To the north is River Cities Business Park and is primarily warehousing and light manufacturing. The uses in the adjacent areas are more in line with the County's C-2 Commercial and Light Industrial District.

4. As previously stated, 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.
5. To reiterate from the letter dated November 15, 2023 regarding the Future Land Use Map amendment, 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.

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: Mallory Merritt, Interim City Administrator  
Laura Berkley, Development & Planning Administrator

Iowa Army National Guard  
Joint Forces Headquarters  
Aviation & Safety Directorate  
7105 NW 70<sup>th</sup> Avenue  
Johnston, IA 50131

January 3, 2024

Scott County Planning and Development  
600 W. 4<sup>th</sup> Street  
Davenport, IA 52801

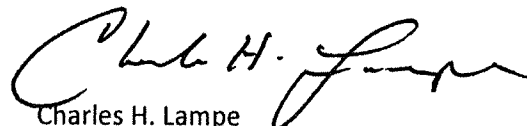
Dear Scott County Planning and Development:

I am writing to express my concern to the proposed rezoning of land near the Davenport Airport for the construction of a rock crushing plant by River Stone Group. I believe that this project poses significant risks to both the local general aviation community operating from the Davenport airport and to our Iowa Army National Guard Aviation operations at the Army Aviation Support Facility (AASF) at 9650 N. Harrison Street (co-located at the Davenport Airport, on the northeast side and intersecting with Slopertown Rd.).

As you may be aware, the Davenport Airport is a critical area for both general and military aviation. Allowing the establishment of a rock crushing plant in the immediate vicinity raises concerns about the potential for reduced visibility from dust and debris. The proposed location to runway 15/33 raises significant concern for all aircraft in a critical profile of flight, takeoff and landing and could be catastrophic. Beyond this significant concern, dust and debris also creates a negative long-term impact to aircraft components like engines and rotor blades. The release of particulates into the air reduces engine performance by deteriorating turbine engine rotors potentially adding significant cost to maintain aircraft engine performance. Dust and debris to helicopter rotor systems has the effect of sand blasting the leading edges creating significant increase to maintenance cost. This could happen immediately or over time, but nonetheless it would be costly to airplane owners and the government. Ultimately, it jeopardizes the safety of both civilian and military aviation operators.

I urge Scott County Planning and Development to carefully consider the potential hazards created by this rezoning proposal and the potential consequences to aviation safety. It is crucial to prioritize the long-term safety of air travel in this decision-making process. I appreciate your attention to this matter and trust that you will carefully consider these concerns regarding the proposed rock crushing plant.

Sincerely,



Charles H. Lampe  
Colonel, AV, Iowa Army National Guard  
Deputy Chief of Staff for Aviation and Safety





Serving local governments in Muscatine and Scott Counties, Iowa;  
Henry, Mercer, and Rock Island Counties, Illinois

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**MEMORANDUM**

To: Scott Count Planning and Zoning Commission Members  
From: David Kovarik, Planner  
Date: December 20, 2023  
RE: Rezoning Application submitted by Riverstone Group, Inc.

This memorandum is being submitted in response to a regional zoning review request from Scott County, Iowa. The Public Hearing is scheduled 5:30 p.m. on January 2, 2024 for the Planning and Zoning Commission. The applicant, Riverstone Group, Inc. of 4640 E. 56<sup>th</sup> Street, Davenport IA is requesting a rezoning from Agricultural-General (A-G) to Industrial (I) on two tracts of land totaling approximately 75.26 acres of land for development of a recycle yard for concrete and asphalt.

The property can be described as Part of the W 1/2 of the NE 1/4 of Section 35 of Sheridan Township (Scott County Tax Parcels 933505001, 933521001).

Having reviewed the information relevant to the proposed rezoning, the following items were ascertained. The parcel is located within the Quad Cities Metropolitan Planning Organization (MPO) Area. The closest major highway to the site is I-80, and is accessible via 90<sup>th</sup> Street to Hwy 61. There are no known short or long-range transportation projects scheduled/programmed in the direct vicinity of the parcel on I-80. The parcel does not appear to be located in a flood hazard area. The parcel does not appear to be located in a high earthquake incident area. The parcel is located in an airport-restricted zone, as it is directly adjacent to the southeast portion of the Davenport Municipal Airport. Mitigation of airborne particles should be considered. The proposed site is located 1.09 miles East of the Davenport Soccer Complex and 1 mile southwest from the Bettendorf Soccer Associate Complex. This parcel is not located on or near any mining complexes. The parcel is not located in a Drainage District. The parcel is located within an area that has a high probability of containing significant archeological findings. The proposed rezoning should not have an impact on historic sites or Indian mounds. There are no dedicated Iowa Nature Preserves or registered Land and Water Reserves indicated in the vicinity of this site. There is a Wildlife Management Area located 1.05 miles northeast (just above the Bettendorf Soccer complex) that consists of a small lake. The US Fish and Wildlife Service indicates there may be endangered animals at the site, but given its proximity to the airport, this is unlikely. The parcel is located in the extraterritorial jurisdictional area of the City of Davenport, and by other industrial developments as well as adjacent to residential development that have access to water and sewer that could be extended. The city has indicated the ability to serve the site with sewer and emergency services with interest in annexation. Industrial development should consider buffers to mitigate impacts on residential development.

Should you have any questions regarding this review, please contact me at (309) 793-6300 ext. 1139.

DK/sdg  
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