

**Zoning Analysis**  
**Development and Neighborhood Services Department**

Case REZ21-01: Request of Dan Lorentzen on behalf of Rock Church Ministries Inc. to rezone Parcel P1304-02C from S-OS Open Space District to R-1 Single-Family Residential District to allow for the construction of a church [Ward 7].

**Background:**

The petitioner is requesting a rezoning to R-1 Single-Family Residential District to allow for construction of a church. The S-OS Open Space District does not permit places of worship. A rezoning to R-1 Single-Family Residential District is the least intensive zoning classification that permits a church.

The 3.53 acre lot is located south of 46th Street and west of the railroad tracks. Deere Creek flows through the southeast corner of the parcel. The wooded lot also contains 100 year flood plain overlay, making the eastern portion of the property undevelopable.

The vacant parcel does not contain any street frontage. A fifteen foot private easement abuts the railroad right-of-way on the east lot line connecting the site to 46th Street. However, the private easement is not practical in offering ingress and egress to the property given the topography and proximity to Deere Creek. In order to develop the property, the owner will have to purchase additional property or create a new private easement along the west lot line for access to 46<sup>th</sup> Street.

**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

**Future Land Use Designations:** The property is designated Parks and Recreation (PR) in the Davenport +2035 Land Use Plan. The Future Land Use Designation would need to be amended to Residential General (RG) through the adoption of a resolution by City Council.

1. **Parks and Recreation (PR)** – Designates major developed parks, recreation areas, golf courses, cemeteries, etc. Park or recreation properties can be located in any zoning district. Smaller parks may not appear on the map because of the more general nature and scale of the map. But, it is implied in Residential General (RG) that small neighborhood parks are included.
2. **Residential General (RG)** – Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

**Zoning:**

The property is currently zoned S-OS Open Space District. This district is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.

The applicant is requesting a rezoning of the property to R-1 Single-Family Residential District. This district is intended to accommodate the lowest-density single-family neighborhoods within the City of Davenport, exhibiting a predominantly semi-suburban development pattern of large lots and generous yards. The R-1 district is the least intensive residential zoning classification that allows for places of worship.

**Technical Review:**

City Departments and Utility Companies have reviewed the proposed rezoning petition. Sanitary sewer is present along the east lot line and on the parcel directly south of the subject property. All other utilities must be brought to the site through utility easements at the owner's expense. The City of Davenport will not permit propane tanks to service the building.

**Public Input:**

Letters were sent to property owners within 200 feet of the proposed request notifying them of the February 2, 2021 Plan and Zoning Commission Public Hearing. Since the applicant was not in attendance, the Commission voted to table the item for one meeting cycle.

To date, staff has received one written response from an adjacent property owner in opposition to the rezoning. Concerns raised included preservation of the natural area, impacts on wildlife, and treatment of sewage. The property owner at 1603 McCormick Place spoke in opposition at the Plan and Zoning Commission public hearing on February 16, 2021.

A Notice of Public Hearing has been published in the Quad City Times.

Staff will apprise the Commission of any additional correspondence.

**Why is a Zoning Map Amendment Required?**

The Zoning Ordinance does not permit a place of worship in the S-OS Open Space District. The R-1 Single-Family Residential District is the least intensive residential zoning classification that allows for a new church to be constructed.

**Approval Standards for Map Amendments (Chapter 17.14.040)**

The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

- a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Staff Response: The property is designated Parks and Recreation (PR) in the Davenport +2035 Land Use Plan. The proposed church is incompatible with the future land use category description, which is intended for developed parks, recreation areas, golf courses, and cemeteries. The surrounding area south of 46th Street and west of the railroad tracks consists of cemeteries, creeks, floodplain, and wooded areas. Instead, the proposed church development fits the criteria for Residential General (RG).

It is staff's opinion that the proposed amendment does not promote the orderly development of Davenport in accordance with the Comprehensive Plan and adopted land use policies.

However, if the City Council recommends approval, then a condition shall be placed on the Zoning Map Amendment requesting City Council to adopt a resolution amending the Future Land Use Designation from Parks and Recreation (PR) to Residential General (RG).

b. The compatibility with the zoning of nearby property.

Staff Response: The subject parcel is surrounded by S-OS Open Space District to the north, west, and south. The City of Davenport Public Works Facility and other I-1 Light Industrial District and I-2 Heavy Industrial District properties are north of 46th Street. The parcel is removed from the residential neighborhoods to the east by the railroad tracks. Mt. Calvary Cemetery, Davenport Memorial Park, Pine Hill Cemetery, and Mt. Nebo Cemetery are directly south of Goose Creek and also zoned S-OS Open Space District.

It is staff's opinion that the proposed amendment is not compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The established character of the area south of 46th Street and west of the railroad tracts is predominately open space. While there is residential to the east of the site, there is a clear delineation of uses separated by the railroad tracks. Directly abutting the subject parcel to the north, west, and south are undeveloped wooded areas and creeks. Removing vegetation to construct a building, off-street parking, and an access drive to 46<sup>th</sup> Street will diminish the natural characteristics of the area.

In addition, the subject parcel does not have street frontage along a public right-of-way. The three properties directly north are under separate ownership. An easement agreement providing the applicant vehicular access to 46th Street must be recorded prior to the issuance of any construction or grading permits if the site were developed.

It is staff's opinion that the proposed amendment is not compatible with the established neighborhood character.

d. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

Staff Response: Developing the 3.53 acre wooded lot requires substantial alteration of the natural landscape. Deere Creek flows along the east lot line and merges with Goose Creek directly south of the property. There is 100-year floodplain covering the southeast portion of the site, making this area undevelopable. Furthermore, the topography of the parcel fluctuates roughly 36 feet from its highest point on the northwestern portion of the site to its lowest point along the east lot line.

The subject parcel is setback approximately 435 feet from 46th Street. Elevations and its distance to the public right-of-way make it challenging to identify the property in an event of an

emergency. Off premise signs are not permitted, adding to the difficulty in directing first responders to the property. New construction requires grading the natural terrain to accommodate the building footprint and off-street parking requirements. Section 17.11.100 of the Zoning Ordinance, titled "Tree Preservation", encourages existing trees that are in good condition to be preserved to the maximum extent practicable. Rezoning the site produces potential risks to the public health, safety, and welfare of the city.

It is staff's opinion that the proposed zoning map amendment to R-1 Single-Family Residential District does not promote the preservation, protection, and conservation of natural resources.

- e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

Staff Response: Under the current Zoning Ordinance, the S-OS Open Space District does not allow for places of worship. The S-OS Open Space District is suitable given its topography, vegetation, and proximity to floodplain. The City made a deliberate decision to zone this area as open space to align with the City's Comprehensive Plan during the 2019 Zoning Code update.

It is staff's opinion that the property is not suited for development of the proposed use under the existing S-OS Open Space District.

- f. The extent to which the proposed amendment creates nonconformities.

Staff Response: The undeveloped 3.53 acre site satisfies the dimensional standards for the R-1 Single-Family Residential District.

It is staff's opinion that the proposed amendment will not create any nonconformities.