

**PLANNING & DEVELOPMENT**

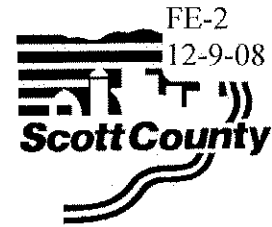
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Timothy Huey  
Director

To: Dee Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: December 2, 2008

**Re: A request by Harmony Land Development for approval of the Preliminary Plat of the Estates at Harmony Lake, a proposed 24-lot residential subdivision located in part of the E½ of Section 26, Blue Grass Township.**

Following the Planning Commission's initial review and recommendation on this Preliminary Plat on October 7, 2008 the Board of Supervisors received a number of comments from adjacent property owners regarding road repair and maintenance issues. Due to these concerns the Board referred this plat back to the Planning Commission for further consideration.

The Planning Commission held a second Public Hearing on November 18, 2008 at which about 30 neighbors were in attendance as well as the developers. The developers indicated that they agreed to the conditions that the residents of Harmony Hills 1<sup>st</sup> Addition requested in regard to the repair of the entrance road into this subdivision and the sharing of the maintenance and snow removal costs. Staff recommended that the County Engineer determine what repairs would be necessary and review and approve the completion of those repairs when they are made.

The neighboring property owners expressed their appreciation of the Preliminary Plat being reconsidered to address their concerns. They also expressed their willingness to work with the developer on the sharing of maintenance costs for these private roads.

**RECOMMENDATION:** The Planning Commission recommends that the Preliminary Plat of the Estates at Harmony Lake be approved with the following conditions:

1. The developer pay any repairs necessary, as determined by the County Engineer, to 156<sup>th</sup> Street following completion of the streets with the Estates at Harmony Lake, and that the developer pay for half the ongoing maintenance and future repair cost for 156<sup>th</sup> Street;
2. The covenants for the Estates at Harmony Lake include provisions for that homeowners association to assume the developers responsibility for 156<sup>th</sup> Street at the time that association accepts the roads within its subdivision;
3. The City of Davenport also review and approve the Preliminary and Final Plat prior to Final Plat approval by the Board of Supervisors;
4. That no Final Plat that would result in greater than fifty (50) total lots for any portion of the Harmony Development be approved until a second access is provided;
5. A stormwater drainage plan be approved that is in compliance with the requirements of the Subdivision Regulations and that shows sufficient capacity for the lake to serve as a stormwater detention basin;

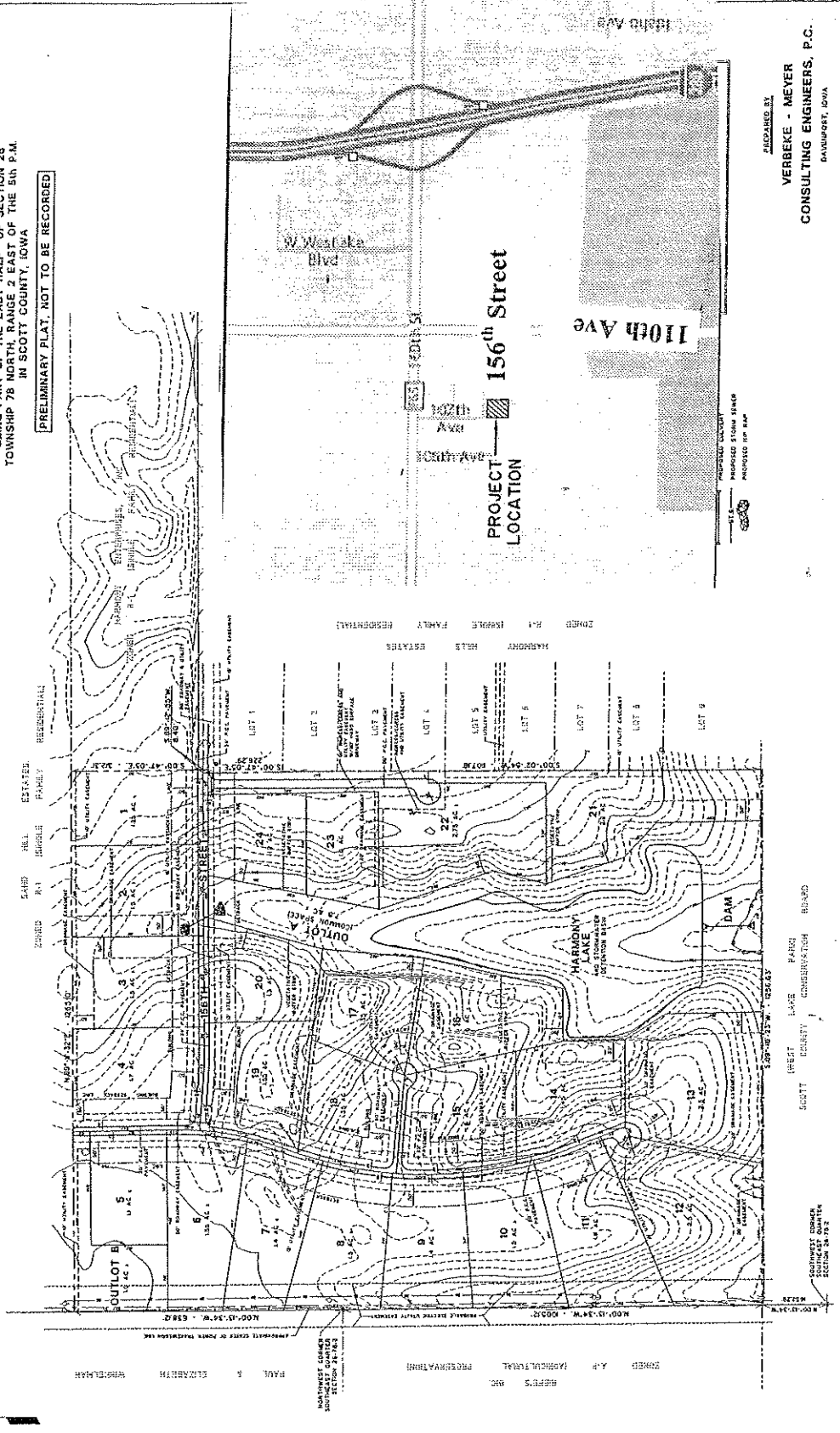
6. The stormwater drainage and erosion control plan be reviewed and approved by the Soil Conservationist at the NRCS;
7. The proposed wastewater treatment facilities meet Health Department and Iowa Department of Natural Resources requirements;
8. The County Engineer review and approve all street construction plans prior to construction; and
9. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.
10. The neighbors be notified of the Planning Commission's review of the Final plat.

**PRELIMINARY PLAT OF  
THE ESTATES AT HARMONY LAKE  
SCOTT COUNTY, IOWA**

BEING PART OF THE EAST HALF OF SECTION 26  
TOWNSHIP 78 NORTH, RANGE 2 EAST OF THE 5th P.M.  
IN SCOTT COUNTY, IOWA

PRELIMINARY PLAT, NOT TO BE RECORDED

SCALE 1" = 40'  
SEPTEMBER 3, 2006



VERBEKE - MEYER  
CONSULTING ENGINEERS, P.C.  
DAVENPORT, IOWA  
INCE 07131

**Request: Preliminary Plat approval for The Estates at Harmony Lake, a proposed  
twenty four (24) lot subdivision located in Part of the E 1/2 of Section  
26, Blue Grass Township.**



PLANNING & ZONING COMMISSION  
STAFF REPORT  
November 18, 2008



**Applicant:** The Estates at Harmony Lake

**Request:** Revised Preliminary Plat of The Estates at Harmony Lake a proposed twenty four (24) lot residential subdivision.

**Legal Description:** Part of E½ of Section 26, Blue Grass Township

**General Location:** West of 110<sup>th</sup> Avenue, South of 156<sup>th</sup> Street.

**Zoning:** Single Family Residential (R-1)

**Surrounding Zoning:**

- North:** Single Family Residential (R-1)
- South:** **West Lake Park (Scott County Property)**
- East:** Single Family Residential (R-1)
- West:** Agricultural Preservation

**GENERAL COMMENTS:** The Planning Commission reviewed this current revised Preliminary Plat on October 7, 2008 and forwarded a recommendation to approve with 7 conditions to the Board of Supervisors. However, following the Planning Commission meeting, the Board received a number of emails and calls from the adjacent home owners in Harmony Hills first addition approved in 2005. That subdivision lies between this new development and County road Y-48. The Harmony Hills subdivision street is currently the only access to this new development. Those property owners raised some concerns about the condition and maintenance of that private entrance road and the impact this development will have on that road. These issues were not brought to the attention of the Planning Commission during its review of this Preliminary Plat because none of those property owners were in attendance at the October 7<sup>th</sup> meeting. All the adjacent property owners within 500 feet of the new development had been notified of the Planning Commission meeting time and date.

The Board of Supervisors denied the Preliminary Plat without prejudice and referred it back to the Planning Commission for additional consideration of the road issues raised by the homeowners in Harmony Hills.

**STAFF REVIEW:** 156<sup>th</sup> Street is the entrance road that provides access to the proposed new subdivision, The Estates at Harmony Lake, and the existing subdivision of Harmony Hills. It was built to meet County subdivision road standards as a privately maintained street. The Home Owners Association of Harmony Hills has been asked by the developers to take over the maintenance responsibilities for that road in accordance with the covenants for that subdivision. Prior to accepting the road the home owners association had concerns about the current condition of the road, the impact of construction traffic for the new development on the condition of the road, repair of the road and how the costs for maintaining the road would be shared between their



PLANNING & ZONING COMMISSION  
STAFF REPORT  
November 18, 2008



association, the developer and future home owners associations that would also use the road.

Copies of the emails the Board of Supervisors received from property owners and letters from the developers' attorney are included in this staff report.

As stated above, this Preliminary Plat has been referred back to the Planning Commission to allow the neighbors to discuss these road issues with the Planning Commission. The Planning Commission then may want to consider additional recommendations for approval to address these issues.

The Homeowners Association is asking that the developers of the Estates at Lake Harmony pay for any necessary repairs to the entrance road, 156<sup>th</sup> Street, within six months following completion of the road construction with the Estates at Lake Harmony. Additionally the Homeowners are requesting that the developer of the Estates at Lake Harmony pay for ½ of the cost of future repairs and ½ the cost of maintenance, including snow removal.

The developers have agreed to pay for the repairs to 156<sup>th</sup> Street, following construction of the roads within the Estates at Lake Harmony and half of future repairs to that road and maintenance of the road. The developers also acknowledge that eventually the three homeowners associations, Harmony Hills 1<sup>st</sup> and 2<sup>nd</sup> and the Estates at Lake Harmony will share those costs once the property is fully developed.

Staff recommends that the approval of the Preliminary Plat be approved with the conditions agreed to by the developers and the Harmony Hills Owners Association regarding road repair and maintenance.

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of the property of this hearing. Staff has not, as of yet, received any calls or comments on this request.

**RECOMMENDATION:** Staff recommends that the revised Preliminary Plat for the Estates at Harmony Lake be approved with the following conditions:

1. The developer pay any repairs necessary, as determined by the County Engineer, to 156<sup>th</sup> Street following completion of the streets with the Estates at Harmony Lake, and that the developer pay for half the ongoing maintenance and future repair cost for 156<sup>th</sup> Street;
2. The covenants for the Estates at Harmony Lake include provisions for that homeowners association to assume the developers responsibility for 156<sup>th</sup> Street at the time that association accepts the roads within its subdivision;
3. The City of Davenport also review and approve the Preliminary and Final Plat prior to Final Plat approval by the Board of Supervisors;



PLANNING & ZONING COMMISSION  
STAFF REPORT  
November 18, 2008



4. That no Final Plat that would result in greater than fifty (50) total lots for any portion of the Harmony Development be approved until a second access is provided;
5. A stormwater drainage plan be approved that is in compliance with the requirements of the Subdivision Regulations and that shows sufficient capacity for the lake to serve as a stormwater detention basin;
6. The stormwater drainage and erosion control plan be reviewed and approved by the Soil Conservationist at the NRCS;
7. The proposed wastewater treatment facilities meet Health Department and Iowa Department of Natural Resources requirements;
8. The County Engineer review and approve all street construction plans prior to construction; and
9. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Submitted by:  
Timothy Huey, Director  
November 14, 2008



PLANNING & ZONING COMMISSION  
STAFF REPORT  
October 7, 2008



**Applicant:** The Estates at Harmony Lake

**Request:** Revised Preliminary Plat of The Estates at Harmony Lake a proposed twenty four (24) lot residential subdivision.

**Legal Description:** Part of E½ of Section 26, Blue Grass Township

**General Location:** West of 110<sup>th</sup> Avenue, South of 156<sup>th</sup> Street.

**Zoning:** Single Family Residential (R-1)

**Surrounding Zoning:**

- North:** Single Family Residential (R-1)
- South:** **West Lake Park (Scott County Property)**
- East:** Single Family Residential (R-1)
- West:** Agricultural Preservation

**GENERAL COMMENTS:** The initial Final Plat of Harmony Hills Estates, a 27.5 acre tract that lies north and west of West Lake Park on the west side of 110<sup>th</sup> Avenue/Y-48, was approved December, 2005. That plat included 26 residential lots with the entrance road extended through the property to the west boundary and a cul de sac extended to the south off an intersection with the entrance road.

In 2006, the Planning Commission reviewed two different conceptual sketch plan layouts for future phases of the Harmony Hills development. Last year a Preliminary Plat, for what was called the Estates at Lake Harmony, was approved. It showed this same 47.5 acre tract lying west of Harmony Hills Estates being subdivided by extending the entrance road another ¼ mile and creating 13 large residential lots ranging in size from 1.6 acres to 5.8 acres. The previous sketch plans for this property that were reviewed in 2006 showed 96 residential development lots in the initial plan and the second reduced that number to 52 lots. The sketch plan for the proposed 52 lots was approved with a number of conditions. The determination of the Planning Commission at that time was that because the layouts showed two access road to the undeveloped property to the north the thirty (30) lot maximum did not apply.

Most recently the Planning Commission reviewed and recommended approval of a Preliminary Plat of eleven (11) lots on the nine (9) acres on the north side of the entrance road. The earlier sketch plans and that Preliminary Plat also show a street extended out to the adjacent undeveloped property located to the north. The adjacent property located to the north, is also zoned R-1 but not owned by the developers of Harmony Hills. This revised Preliminary Plat shows a second road extended to the undeveloped residentially zoning property located to the north. However, this revised Preliminary Plat does not show any road extended to the adjacent A-P zoning land located to the west, as the previously approved Preliminary Plat had.



PLANNING & ZONING COMMISSION

STAFF REPORT

October 7, 2008



This revised Preliminary Plat proposes to subdivide the 47.5 acres lying west of Harmony Hills Estates by extending the entrance road another ¼ mile and creating 24 residential lots ranging in size from 1 acre to 2.75 acres in size, with an average size of 1.6 acres. The previous Preliminary Plat that was approved in 2007 with 13 lots, showed five of those lots of about 1.6 acres in size on the north side of the entrance road, 156<sup>th</sup> Street each with about 220 feet of frontage and over 300 feet of depth. It also showed eight lots on the south side of the road with five of the lots shown with “flagpole” frontage on the subdivision road. These lots were relatively large and ranged in size from 2.2 acres to 5.8 acres. The five “flagpole” lots surrounded a proposed lake and detention basin. This revised Preliminary Plats still has the lake on a 7.6 acre common outlot but the lake is now surrounded by nine lots, none with a “flagpole” and all with access from new subdivision roads, terminating with three cul de sacs.

The developer is aware that with the existing 26 lots in the Harmony Hills Estates First Addition, the eleven lots approved in the Preliminary Plat of Harmony Hills Estates Second Addition and the 24 lots included in this revised Preliminary Plat puts this development over the current 50 lot maximum of lots served by a single entrance. A condition of the approval of the Preliminary Plat of the Second Addition, as well as a recommended condition of this revised Preliminary Plat is that no Final Plat that would result in greater than fifty (50) total lots for any portion of the Harmony Development be approved until a second access is provided.

**STAFF REVIEW:** Staff has reviewed this Preliminary Plat for compliance with the Subdivision Regulations. The proposed road, 156<sup>th</sup> Street will be constructed to County road standards. Two of the three cul de sacs will also be built to County road standards with the third on the east side of the lake will be a hard surfaced shared driveway since it only serves four lots.

Until such time as the approximately 40 acres of land to the north is developed the existing road that was constructed during the first phase of this development would serve as the developments only access to Y-48.

Staff also recommended to the applicant that the lake property and detention basin should be included in a common open space lot that would be owned and maintained by the home owners association. Because of the average size of the lots in this phase of the development is over 1.5 acres there is no requirement that common open space be provided.

Iowa-American water mains will be extended to serve these lots. Wastewater treatment will be handled by on-site systems with either septic drain fields or sand filters.

The property lies within the extraterritorial platting jurisdiction of the City of Davenport. This Preliminary Plat has been submitted to the City for review. The City will have to review and approve any Preliminary and Final Plat. The City did approve the Final Plat of the first phase and the Preliminary Plat of Harmony Hills Estates Second Addition.





PLANNING & ZONING COMMISSION

STAFF REPORT

October 7, 2008



The applicant's engineer has submitted an erosion and sediment control plan. The County Engineer has reviewed those plans and did not have any comments. The Natural Resources Conservation Service is also reviewing these plans but has not, as of yet, submitted any comments. The developer will also need to submit a copy of his application for a State permit from the Iowa DNR for grading an area of this size. The lake will also serve as the stormwater detention basin for the subdivision. The County Engineer did not have any concerns that the lake would be able to perform the function of stormwater detention for the subdivision.

The Health Department has reviewed this plat and stated that they have no major concerns. They did note that soil percolation tests will be required after site grading is completed and prior to Final Plat approval.

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of the property of this hearing. Staff has not, as of yet, received any calls or comments on this request.

**RECOMMENDATION:** Staff recommends that the revised Preliminary Plat for the Estates at Harmony Lake be approved with the following conditions:

1. The City of Davenport also review and approve the Preliminary and Final Plat prior to Final Plat approval by the Board of Supervisors;
2. That no Final Plat that would result in greater than fifty (50) total lots for any portion of the Harmony Development be approved until a second access is provided;
3. A stormwater drainage plan be approved that is in compliance with the requirements of the Subdivision Regulations and that shows sufficient capacity for the lake to serve as a stormwater detention basin;
4. The stormwater drainage and erosion control plan be reviewed and approved by the Soil Conservationist at the NRCS;
5. The proposed wastewater treatment facilities meet Health Department and Iowa Department of Natural Resources requirements;
6. The County Engineer review and approve all street construction plans prior to construction; and
7. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Submitted by:  
Timothy Huey, Director  
October 2, 2008