

PLANNING & DEVELOPMENT

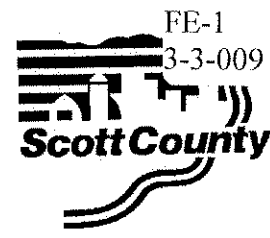
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Timothy Huey
Director

To: Dee F. Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: February 24, 2009

Re: A request by Gary Ramm and Kevin Harms for Preliminary Plat approval of Leaf Lake Estates 2nd Addition, a proposed three (3) lot subdivision. The property is located in part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Buffalo Township, the property is zoned Single Family Residential (R-1).

The Planning Commission unanimously recommended approval of this Preliminary Plat with the five conditions as recommended by staff and with two additional conditions. When the 22 lots of Leaf Lake Estates were platted in 2004 the restrictive covenants did not require the 3.7 acre parcel with the existing house to be subject to those covenants. However the covenants did stipulate that if that property was ever subdivided at some point in the future the new lots would also be subject to the same restrictive covenants.

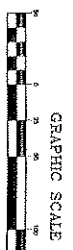
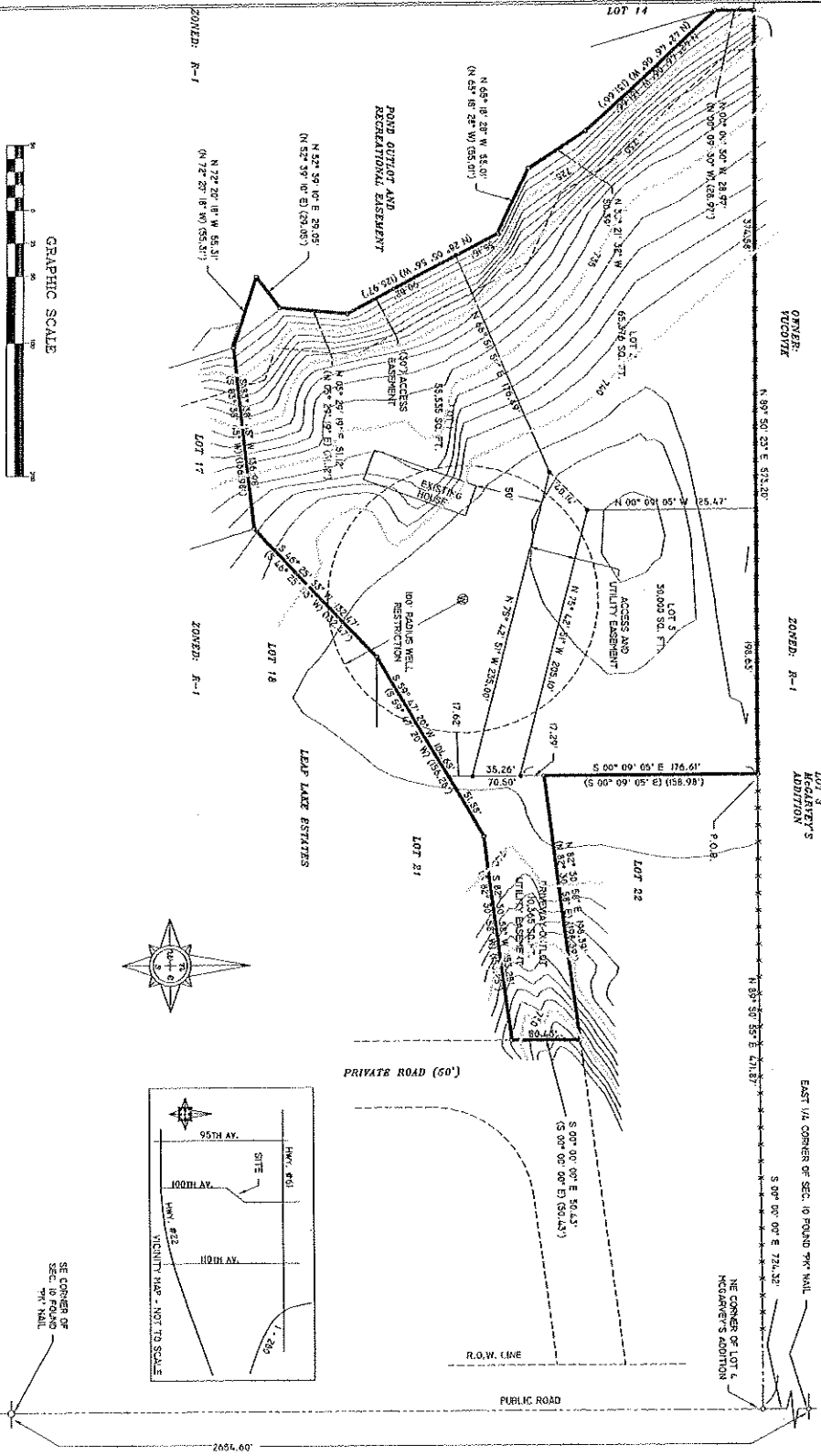
The proposed buyer of the property stated that he had prepared separate covenants that he would agree to be subject to that were not the same as the Leaf Lake covenants. Representatives of the homeowners association were in attendance and requested that the Planning Commission recommend that the 2nd addition plat be subject to the same covenants as had originally been established.

The Planning Commission discussed the plat and determined that even though enforcement of private covenants were a civil matter and the responsibility for their enforcement was the homeowners association the Planning Commission did not want to recommend approval of any aspect of the current plat that did not meet the covenants. Therefore the Commission added two conditions that require compliance with the existing covenants for the current subdivision and notification of the neighbors of the Final Plat review.

RECOMMENDATION: The Planning Commission recommends that the Preliminary Plat of Leaf lake Estates 2nd Addition be approved with the following conditions:

- 1). The City of Buffalo also review and approve the Preliminary and Final Plat prior to Final Plat approval by the Board of Supervisors;
- 2). The private covenants include provisions for equitable participation of these properties in the road and common open space maintenance of Leaf Lake Estates;
- 3). The County Engineer review and approve all drainage, erosion control and street construction plans prior to construction;
- 4). The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval;
- 5). The accessory building on proposed Lot 2 and 3 be removed prior to Final Plat approval;
- 6). That the size of Lot 3 meets the Leaf Lake Estates minimum lot size of .85 of an acre and that all three lots abide by the Declaration of Protective Covenants, Conditions and Restrictions set forth in Leaf Lake Estates recorded covenants; and
- 7). Property owners within 500 feet be notified when the Final Plat comes before the Planning Commission.

PRELIMINARY PLAT OF:
LEAF LAKE ESTATES 2ND ADDITION
 BEING A REPLAT OF LOT 23 IN LEAF LAKE ESTATES IN THE NORTHEAST QUARTER OF
 THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 71 NORTH, RANGE 2 EAST OF
 THE 5TH PRINCIPAL MERIDIAN, SCOTT COUNTY, IOWA.



1. I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

REVISION: 1-4-09

DATE: _____

PAGES OR SHEETS COVERED BY THIS SEAL: _____

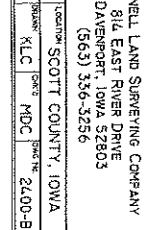


MICHAEL B. CRANNELL, SURVEYOR
 LICENSE NUMBER 1035
 DATE: _____
 PAGES OR SHEETS COVERED BY THIS SEAL: _____

LEGEND:
 DEED DIMENSION = 10.0'
 FIELD DIMENSION = 0.0'
 MONUMENTS FOUND AS SHOWN
 NON-CORNER SET MARKERS = 30"
 FENCE LINE = _____

OWNER:
 1510 NORTH ARNHEIM
 DAVENPORT, IOWA
 SUBDIVIDER:
 KENNI HARRIS
 916 EAST 28TH STREET
 DAVENPORT, IOWA

CRANNELL LAND SURVEYING COMPANY
 814 EAST RIVER DRIVE
 DAVENPORT, IOWA 52805
 (563) 356-5256
 SCALE: 1" = 50'
 DATE: 11-3-08
 SURVEYOR: MICHAEL B. CRANNELL
 CHECKED: K.L.C.
 STATE: IOWA
 COUNTY: SCOTT COUNTY, IOWA
 PLAT NO: 2400-B





PLANNING & ZONING COMMISSION
STAFF REPORT
February 17, 2009



Applicant: Gary Ramm/Kevin Harms

Request: Preliminary Plat of Leaf Lake Estates 2nd Addition, a proposed three (3) lot residential subdivision..

Legal Description: A replat of Lot 23 of Leaf Lake Estates located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 Buffalo Township

General Location: 9920 123rd Street

Zoning: Single Family Residential (R-1)

Surrounding Zoning:

- North:** Single Family Residential (R-1)
- South:** Single Family Residential (R-1)
- East:** Single Family Residential (R-1) and Agricultural General (A-G)
- West:** Single Family Residential (R-1)

GENERAL COMMENTS: This request is to resubdivide a 3.7 acre parcel into three lots, two over an acre in size and the third just under an acre. There is an existing house on the property which was originally 27.5 in size but the balance of the 23.8 acres was subdivided into the 22 residential lots of Leaf Lake Estates. These three proposed lots of Leaf Lake 2nd Addition will have access provided by a shared driveway within an easement in the location of the current driveway for the existing residence. There is a large accessory building and smaller out buildings that are located on the new lots being created which will be removed. Approval of this plat will create two new development lots for single family residences.

STAFF REVIEW: Staff has reviewed this request for compliance with the requirements of the Subdivision Regulations and the Zoning Ordinance. The proposed lots meet the minimum lot size required by Health Department Regulations and the R-1 zoning district requirements. As stated above, one of the development lots is at the minimum lot size of .69 acres; the second development lot is 1.5 acres in size and the existing house would be on the 1.3 acre balance with .25 acres of the property included in the shared access and utility easement.

Access and driveway improvements

As stated above, access to these two new lots will be from a shared driveway located in an access and utility easement located in the location of the existing driveway to the property that intersects with Leaf Lake subdivision's private road. Because these properties only access to the public County road, 100th Avenue, is by the Leaf Lake private road, 123rd Street, staff would recommend that these lots be required to participate in the upkeep and maintenance of that road. However, the subdivision regulations do



PLANNING & ZONING COMMISSION

STAFF REPORT

February 17, 2009



allow subdivision roads, such as the proposed shared driveway, which will not serve more than four lots to be constructed with a 6 inch road base and two inch chip seal surface 20 feet in width with two foot shoulders adjacent to the roadway. Staff has recommended that provision for a turnaround be provided at the end of the common road easement serving these three lots.

Following approval of the Preliminary Plat and prior to approval of the Final Plat the driveway construction plans will have to be submitted to the County Engineer. The County Engineer must approve those plans prior to initiation of any grading or road construction. Those road improvements will have to be completed or surety posted prior to Final Plat approval.

Stormwater management

The Subdivision regulations require the internal street to be adequately drained and that detention facilities, adequate to capture the runoff from a one hundred (100) year rain event, calculated at post-developed flows, must be shown on the subdivision plans. The release rate from that detention area shall not exceed the volume produced by a five (5) year event, calculated at pre-developed flows. The stormwater drainage plan and the design of detention facilities are required prior to Preliminary Plat approval. Because of the relatively minor nature of this subdivision staff would recommend that a stormwater drainage plan be submitted and reviewed with the road construction plans.

Erosion and sediment control plan

The subdivision regulations also require the submission of an erosion and sediment control plan prior to Preliminary Plat approval. Again staff would recommend that those plans be submitted and reviewed with the road construction plans. The plans shall include information regarding the soil types, the specifications for temporary and permanent erosion and sedimentation control.

Open space requirements

When the original Leaf Lake Estates subdivision was platted it met the open space requirements that all residential subdivisions with fifteen lots or greater must provide a minimum area of 10,000 square feet of open space plus 2,000 square feet for every lot over fifteen. At least 50% of the required open space must be level ground and suitable for active recreation. The open space must also be accessible to all the property owners in the subdivision. The minimum open space required for Leaf Lake subdivision, at the time it was platted, was .75 of an acre. Leaf Lake Estate has a 2.3 acre recreational common outlot which is mostly pond area which provides the open space for this development. A portion of the shore of the pond, adjacent to the road will be included in the outlot. The remainder of the perimeter of the pond will have a 30 foot wide access easement for the residents, including the two lots within this Leaf Lake 2nd Addition which have frontage on the existing lake. Again staff would recommend that these 2nd Addition properties be included in the homeowners association for the maintenance of the common open space.



PLANNING & ZONING COMMISSION
STAFF REPORT
February 17, 2009



Wastewater disposal systems

The Health Department has noted that two acceptable soil percolation tests per lot will have to be submitted prior Final Plat approval. If soil perc tests are not acceptable than an alternative system, such as a sand filter will be required.

Water

The applicant proposes to serve the lots with the existing private well adjacent to the existing house. There is a requirement that no septic system be placed within 100 feet of the well and that 100 foot well easement is shown on the plat.

Existing Accessory Buildings

Zoning regulations do not allow accessory buildings to be placed on residential lots without an existing residence to which it would be accessory. In this case the existing outbuildings are accessory to the existing house but replatting of the property would place them on the adjacent undeveloped lots. The property owner has stated that a condition of the sale of this property is that those buildings will have to removed within six months of the sale. The zoning regulations would require removal of those buildings prior to Final Plat approval which would necessitate their removal before the sale of the property. The Planning Commission could recommend approval of the final plat without the buildings being removed if an adequate legal mechanism or surety was in place to make certain they were removed within a definite timeframe.

Staff has notified the adjacent property owners within five hundred feet (500') of this property of this Preliminary Plat request. Staff has received some call from members of the existing Leaf Lake Homeowners Association requesting that the covenants for these properties include participation in the road and open space maintenance costs. Staff has recommended conditions of Preliminary Plat approval that addresses those concerns.

RECOMMENDATION: Staff recommends that the Preliminary Plat for Leaf Lake Estates

2nd Addition be approved with the following conditions:

1. The City of Buffalo also review and approve the Preliminary and Final Plat prior to Final Plat approval by the Board of Supervisors;
2. The private covenants include provision for equitable participation of these properties in the road and common open space maintenance of Leaf Lake Estates;
3. The County Engineer review and approve all drainage, erosion control and street construction plans prior to construction;
4. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval: and
5. The accessory building on proposed Lot 2 and 3 be removed prior to Final Plat approval.

Submitted by,
Timothy Huey, Director
February 13, 2009