

PLANNING & DEVELOPMENT

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Timothy Huey
Director

To: Dee F Bruemmer, County Administrator

From: Timothy Huey, Planning Director

Date: March 8, 2011

Re: Approval of the Final Plat of Brown 2nd Addition, a one (1) lot agricultural subdivision in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 2, Liberty Township located north of 310th Street and south of Big Rock Road.

The Planning Commission unanimously recommended approval of this Final plat in accordance with staff's recommendation. The purpose of the plat is to create a separate legal description for the 20 acre portion of the farmland that lies south of Big Rock Road. The parcel is zoned A-P and can only be used for ag purposes. A note stating such has been placed on the plat document.

A neighboring property owner who was an area farmer was in attendance to ask if plat was to allow the property to be developed residentially. The applicant was in attendance and stated he was aware of the restrictions of the County's A-P zoning regulations.

RECOMMENDATION: The Planning Commission recommends that the Final Plat of Brown 2nd Addition be approved



PLANNING & ZONING COMMISSION
STAFF REPORT
February 15, 2011



Applicant: David Brown

Request: Approval of a Sketch Plan/Final Plat for a proposed one (1) lot agricultural subdivision

Legal Description: S½ of the SE¼ of Section 2, Liberty Township

General Location: North of 310th Street, South of Big Rock Road

Zoning: Agricultural Preservation (A-P)

Surrounding Zoning:

- North:** Agricultural Preservation (A-P)
- South:** Agricultural Preservation (A-P)
- East:** Agricultural Preservation (A-P)
- West:** Agricultural Preservation (A-P)

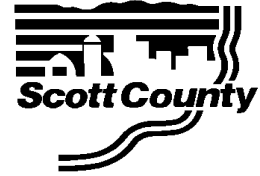
GENERAL COMMENTS: This request is submitted to subdivide an existing 150 acre farm to create a separate legal description for the 20 acre portion of the farmland that lies south of Big Rock Road. Previously a Plat of Survey, 5 acres in size, was approved to split off the farmstead on the north side of the road from the farmland. Only one split of land from a parcel can be made with a plat of survey, any subsequent split must be approved as a subdivision. The 20 acre parcel covered under the current plat is currently farmed.

STAFF REVIEW: Staff has reviewed this request for approval of a Minor Plat and to combine the sketch plan and Final Plat in one review. The Subdivision Regulations allows a plat to be reviewed as a Minor Plat if the plat creates less than five (5) lots and does not involve extension of any new streets.

The property is currently zoned Agricultural-Preservation and therefore would not retain any development rights for non-agricultural uses. There is no prohibition against subdividing either A-P or A-G zoned land. The Zoning Ordinance does state that “once the farmstead is split off, neither the new lot nor the remaining farmland may be subsequently platted into small lots for any use other than farming, unless the land is first rezoned for the proposed land use.” The purpose of the farmstead regulations is to allow a farmer to split the original farmhouse from a farm but not to allow any second or third house to be split. The Subdivision regulations allow the initial split from an unplatted piece of property to be approved as plat of survey, which is how farmstead splits are generally approved. A note should also be placed on the plat stating that this parcel is for ag purposes only and no non-ag development of the property would be permitted.



PLANNING & ZONING COMMISSION
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The County Health Department and County Engineer did not have any comments or concerns with this plat. The County Assessor and County Auditor also did not have any comments with this request.

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property regarding this subdivision request. Staff has received a couple of phone calls requesting additional information on this proposed plat.

RECOMMENDATION: Staff recommends that the sketch plan and Final Plat for Brown Second Addition be approved with the condition that that a note be placed on the plat stating that the parcel can only be used for permitted uses in an A-P zoning district and no non-agricultural development would be permitted unless approval of a rezoning or special use permit is granted.

Submitted by,
Timothy Huey, Director
February 11, 2011

Clinton County

320TH ST

318TH ST
317TH ST

80TH AVE

52ND AVE

57TH AVE

37TH AVE

Y4E

BIG ROCK RD

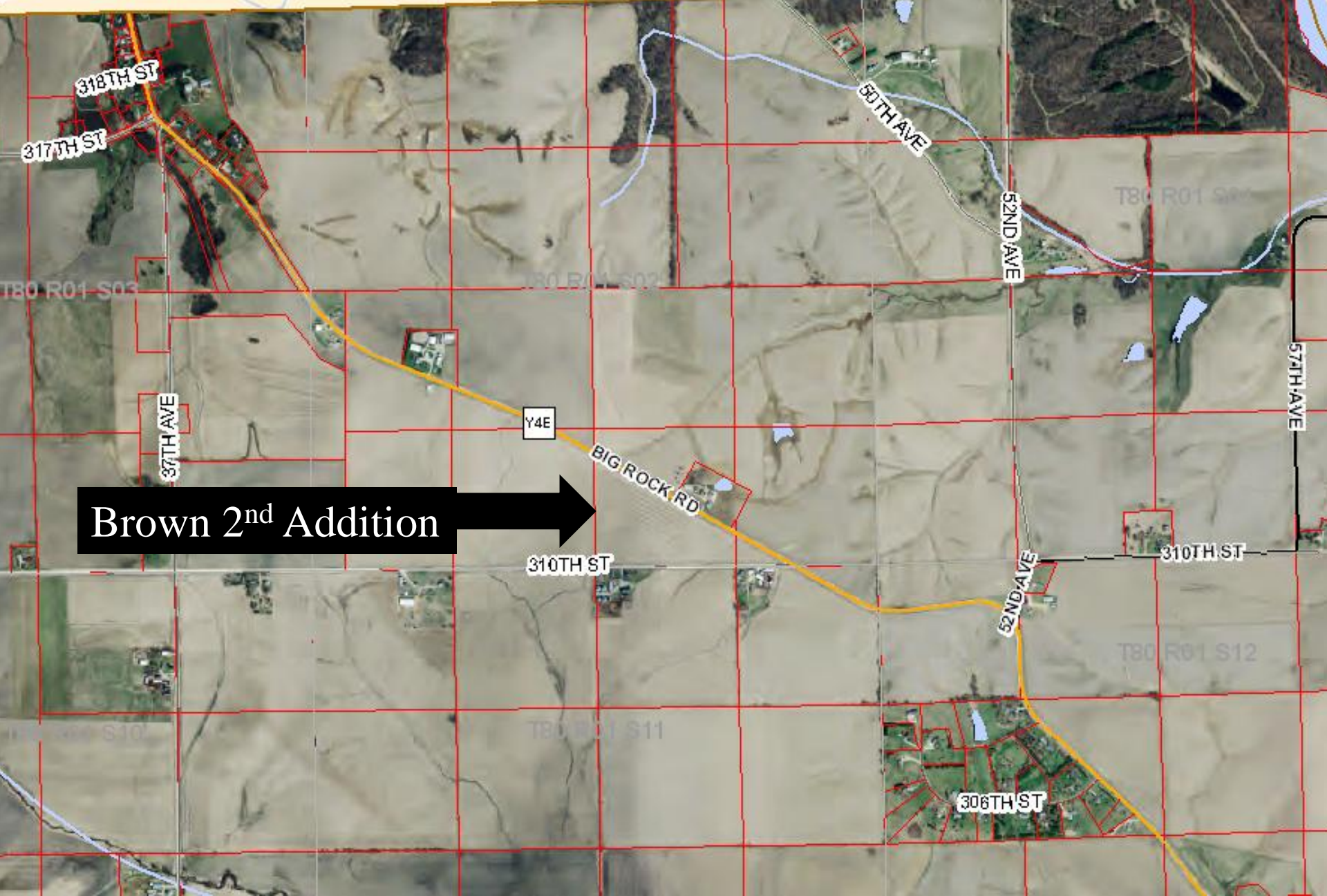
52ND AVE

310TH ST

310TH ST

Brown 2nd Addition 

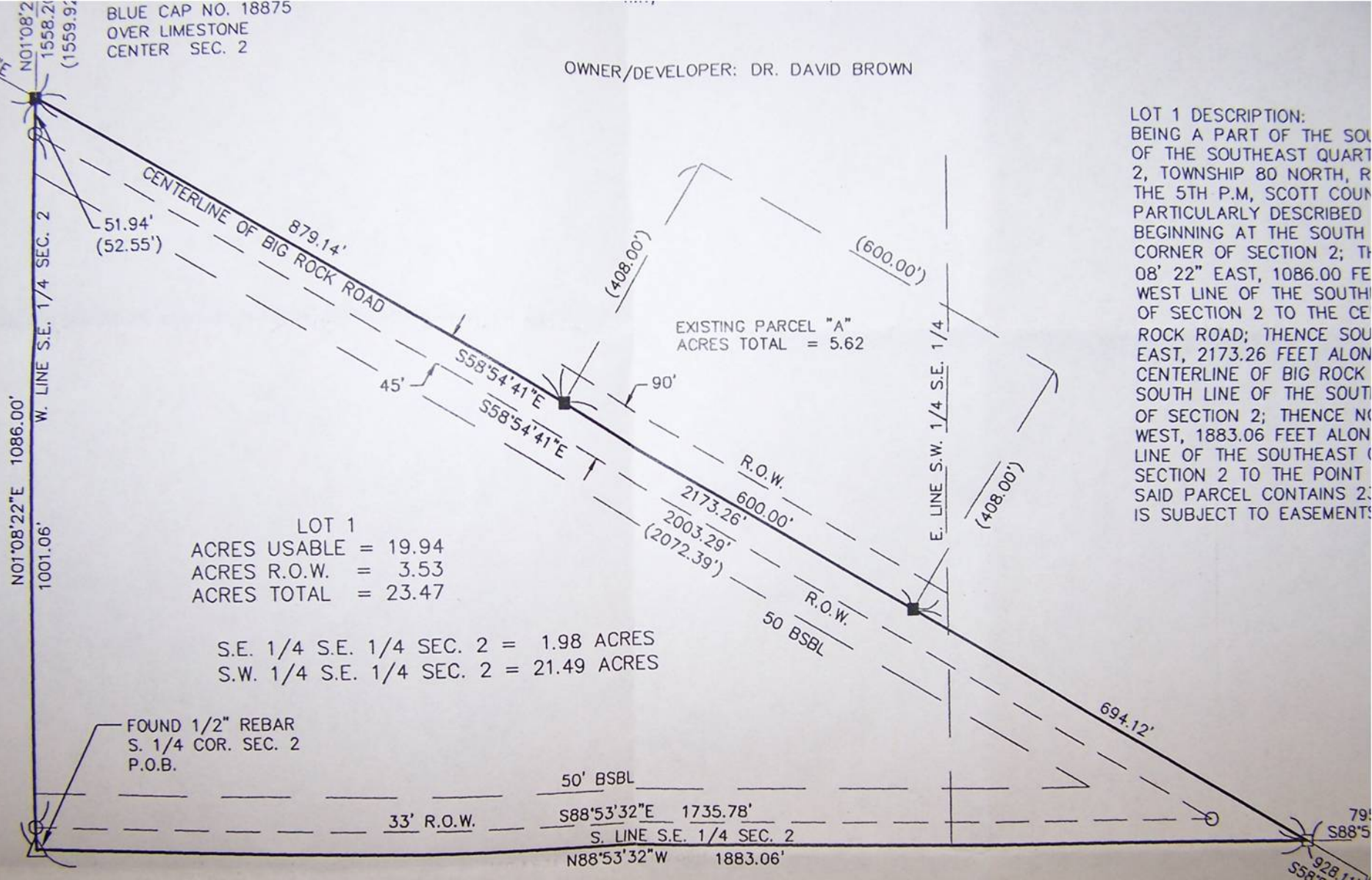
306TH ST



BLUE CAP NO. 18875
 OVER LIMESTONE
 CENTER SEC. 2

OWNER/DEVELOPER: DR. DAVID BROWN

LOT 1 DESCRIPTION:
 BEING A PART OF THE SOUTH
 OF THE SOUTHEAST QUARTER
 2, TOWNSHIP 80 NORTH, RANGE
 THE 5TH P.M., SCOTT COUNTY
 PARTICULARLY DESCRIBED
 BEGINNING AT THE SOUTH
 CORNER OF SECTION 2; THENCE
 08' 22" EAST, 1086.00 FEET
 WEST LINE OF THE SOUTH
 OF SECTION 2 TO THE CENTER
 ROCK ROAD; THENCE SOUTH
 EAST, 2173.26 FEET ALONG
 CENTERLINE OF BIG ROCK
 SOUTH LINE OF THE SOUTH
 OF SECTION 2; THENCE NORTH
 WEST, 1883.06 FEET ALONG
 LINE OF THE SOUTHEAST
 SECTION 2 TO THE POINT
 SAID PARCEL CONTAINS 23.49
 IS SUBJECT TO EASEMENTS



LOT 1
 ACRES USABLE = 19.94
 ACRES R.O.W. = 3.53
 ACRES TOTAL = 23.47

S.E. 1/4 S.E. 1/4 SEC. 2 = 1.98 ACRES
 S.W. 1/4 S.E. 1/4 SEC. 2 = 21.49 ACRES

FOUND 1/2" REBAR
 S. 1/4 COR. SEC. 2
 P.O.B.

THIS FINAL PLAT AS SHOWN IS APPROVED.

SCOTT COUNTY BOARD OF SUPERVISORS

THE UTILITY EASEMENTS SHOWN ARE APPROVED.

MEDICOM _____ DATE _____



I HEREBY CERTIFY THAT THE
 PREPARED AND THE RELATE
 BY ME OR UNDER MY DIREC
 THAT I AM A DULY LICENSE
 THE LAWS OF THE STATE OF

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES THAT
THIS RESOLUTION HAS BEEN FORMALLY APPROVED BY
THE BOARD OF SUPERVISORS ON _____
DATE _____

SCOTT COUNTY AUDITOR

RESOLUTION
SCOTT COUNTY BOARD OF SUPERVISORS
March 17, 2011
APPROVING THE FINAL PLAT OF BROWN'S 2ND ADDITION

BE IT RESOLVED by the Scott County Board of Supervisors as follows:

Section 1. As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 17th day of March 2011 considered the Final Plat of **Brown's 2nd Addition**, a one (1) lot subdivision, being a part of the South one-half of the SE ¼ of Section 2, Township 80 North, Range 1 East of the 5th P.M.(Liberty Township), more particularly described as follows: Beginning at the South Quarter corner of Section 2; thence North 01°, 08' 22" East, 1086 feet along the West line of the Southeast Quarter of Section 2 to the centerline of Big Rock Road; thence south 58°, 54' 41" East, 2173.26 feet along the centerline of Big Rock Road to the South line of the Southeast Quarter of Section 2; thence North 88°, 53' 32" West, 1883.06 feet along the South line of the Southeast Quarter of Section 2 to the point of beginning. Said parcel contains 23.47 acres and is subject to easements of record, and having found the same made in substantial accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby approve the Final Plat of said subdivision with the condition that a note be placed on the plat stating that the parcel can only be used for permitted uses in an A-P zoning district and no non-agricultural development would be permitted unless approval of a rezoning or special use permit is granted.

Section 2. The Board Chairman is authorized to sign the Certificate of Approval on behalf of the Board of Supervisors and the County Auditor to attest to his signature.

Section 3. This resolution shall take effect immediately.

